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B I L L S,

PUBLIC:

SIX VOLUMES.

—(2.)—

DEAN AND WOOLMER FORESTS

TO

FRIENDLY SOCIETIES.

Session

12 *December* 1854 —— 14 *August* 1855.

VOL. II.

1854–5.

BILLS:

1854-5.

SIX VOLUMES:—CONTENTS OF THE SECOND VOLUME.

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A

BILL

TO

Authorize the letting Parts of the Royal Forests of Dean and Woolmer, and certain other Parts of the Hereditary Possessions of the Crown.

WHEREAS the Powers of leasing given by an Act of Parliament passed in the Tenth Year of His late Majesty King George the Fourth, Chapter Fifty, are by such Act declared not to extend to the leasing of any Part of the Royal Forests, Parks, or Chases in England, and by an Act of Parliament passed in the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Seventy-six, the Powers of leasing given by the said Act of the Tenth George the Fourth, Chapter Fifty, were extended to certain Parts of the New Forest, and it is expedient that such Powers of leasing should be extended to Parts of the Royal Forests of Dean and Woolmer, and certain other Parts of the Hereditary Possessions of the Crown: Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Powers of leasing given by the said Act of the Tenth George the Fourth, Chapter Fifty, shall henceforth extend to enable the Powers of leasing given by the

10 G. 4. c. 50. extended to certain Parts of the Royal Forests of Dean and Woolmer.

the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, to lease all or any Parts of the Royal Forest of Dean in the County of Gloucester, and of the Royal Forest of Woolmer in the County of Southampton, the Soil and Freehold of which now are or hereafter may be permanently vested in Her Majesty, Her Heirs and Successors, discharged of all Common and other Rights of the Subject in and over the same: Provided always, that such Power shall not extend to any Portion of the Land of the said Forests for the Time being inclosed under the Authority of any Acts or Act, for the Growth of Timber or other Trees: Provided also, that when any Hereditaments by this Act authorized to be leased shall be agreed to be let by Public Auction or Tender, then it shall not be necessary to have a previous Survey or Estimate, as by the said Act of the Tenth George the Fourth is provided; but that all other Provisions now in force applicable to Leases made in pursuance of the said last-mentioned Act shall apply to Leases to be made under this Act.

Power of leasing extended to certain other Parts of the Hereditary Possessions of the Crown.

II. The Powers of leasing herein-before given shall extend to all Hereditaments which were or are Part of the several Royal Forests, or late Royal Forests, mentioned in the Acts set forth in the Schedule to this Act, and which now are or hereafter may be permanently vested in Her Majesty, Her Heirs and Successors, discharged of all Common or other Rights of the Subject in and over the same, and which Hereditaments have not hitherto been appropriated by or on behalf of the Crown for the Growth of Timber.

The Powers may be exercised by the Commissioner or other Officer to whom the Management of the Premises is assigned.

III. The Powers hereby given may be exercised by the Commissioner or Commissioners or other Officer or Officers for the Time being of Her Majesty to or in whom the Management of the said Forests of Dean and Woolmer and other the Hereditaments hereby authorized to be leased is now or may hereafter be assigned or vested.

The

The SCHEDULE.

An Act for disafforesting the Forest of South otherwise East Bere otherwise Bier in the County of Southampton, and for inclosing the Open Commonable Lands within the said Forest.	50 G. 3. c. 218.
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An Act for disafforesting the Forest of Parkhurst in the County of Southampton, and for inclosing the Open Commonable Lands within the said Forest.	52 G. 3. c. 171.
An Act for dividing, allotting, and inclosing that Portion of the Forest of Whittlewood called Hayleborough Walk in the Parish of Whitfield and Liberties or Precincts of Silston otherwise Silverston otherwise Silveston Burnham in the County of Northampton, and of the Open Fields of Silston otherwise Silverston otherwise Silveston Burnham aforesaid.	5 G. 4. c. 99.
An Act for dividing, allotting, and inclosing the Forest of Salcey in the Counties of Northampton and Buckingham, and of certain Lands in the Parish of Hartwell in the said County of Northampton.	6 G. c. 13

Dean and Woolmer Forests.

A

BILL

To authorize the letting Parts of the Royal Forests of Dean and Woolmer, and certain other Parts of the Hereditary Possessions of the Crown.

(*Prepared and brought in by Mr. Wilson and Sir Benjamin Hall.*)

Ordered, by The House of Commons, *to be Printed*, 23 *February* 1855.

[Bill 43.]

Under 1 *oz.*

Despatch of Business, Court of Chancery, Bill.

ARRANGEMENT OF CLAUSES.

Additional Junior Clerk to each Chief Clerk may be appointed forthwith; Sect. 1.

Additional Junior Clerks may hereafter be appointed, if necessary, by Direction of Lord Chancellor; 2.

Duties, &c. of the Junior Clerks under this Act; 3.

Office of Master of Reports and Entries abolished from first Vacancy; 4.

Report Office to be thenceforth under Superintendence of Clerks of Records and Writs, and Entering Clerks under the Registrars; 5.

Repeal of Part of 15 & 16 Vict. c. 87. s. 29.; 6.

Number, &c. of Clerks in Report Office; 7.

Provision respecting other Duties of the Master of Reports and Entries not repealed as to present Master; 8.

Provision for Continuance of present Master's Salary; 9.

Additional Salary to present Clerks of Records and Writs in certain Case; 10.

Solicitors appointed to administer Oaths under 16 & 17 Vict. c. 78, s. 2, to exercise their Powers only at their Places of Business except when attending Sick Persons; 10.

Persons taking false Oath before Solicitors appointed under this and recited Acts, guilty of Perjury; 11.

Salaries of the Clerks in the Report Office; 11.

Power to Lord Chancellor to grant Retiring Allowance to Alexander McKean; 12.

How Salaries, &c. to be paid; 13.

Repeal of 15 & 16 Vict. c. 80. s. 51.; 14.

The Ground and Buildings vested in the Lord Chancellor in trust; 15.

Power of leasing; 16.

Power of Sale; 17.

Power to vest the Ground, &c. in a Purchaser; 18.

Application of the Rents, Purchase Monies, &c.; 19.

Construction; 20.

A

B I L L

INTITULED

An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery, and to vest in the Lord Chancellor the Ground and Buildings of the said Court situate in Southampton Buildings, Chancery Lane, with Powers of leasing and Sale thereof.

[Note.—*The Words and Clauses printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS, for the Prevention of Delays and Inconveniences in the carrying on of such Portion of the Business of the High Court of Chancery as is transacted by the Master of the Rolls and the Vice Chancellors respectively sitting at Chambers, it is requisite that an Addition to the Number of Junior Clerks attached to the Courts of the said Judges respectively should be forthwith made, and a further like Addition may hereafter become necessary: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for the Master of the Rolls and every of the Vice Chancellors to appoint forthwith after the passing of this Act One additional Junior Clerk to each of their respective Chief Clerks, and Additional Junior Clerk to each Chief Clerk may be appointed forthwith.

and for the Master of the Rolls and the Vice Chancellors for the Time being respectively to fill up from Time to Time such Vacancies as may occur in the respective Offices of the Junior Clerks so appointed.

Additional Junior Clerks may hereafter be appointed, if necessary, by Direction of Lord Chancellor.

II. If and when from Time to Time the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls and the Vice Chancellors, shall deem the Appointment of more than Two Junior Clerks to each or any Chief Clerk to be requisite for the due Despatch of Business in the Court of Chancery, it shall be lawful for the Master of the Rolls and the Vice Chancellors for the Time being respectively, or any One or more of them, to appoint a Junior Clerk or Junior Clerks to all or any One or more of their or his respective Chief Clerks for the Time being, as Occasion may require and the Lord Chancellor, with the Advice and Assistance aforesaid, may direct, in addition to the Junior Clerks by the Act intituled "An Act to abolish the Office "of Master in Ordinary of the High Court of Chancery, and to make "Provision for the more speedy and efficient Despatch of Business in "the said Court," passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty (Chapter Eighty), and by the foregoing Section of this Act respectively, authorized to be appointed, but so nevertheless that the Number of Junior Clerks appointed in addition under this present Provision to any One Chief Clerk shall not at any One Time exceed Two, and that any Vacancy from Time to Time occurring in the Office of any Junior Clerk appointed in addition under this present Provision shall not be filled up unless and until the Lord Chancellor, with the Advice and Assistance aforesaid, shall deem it to be necessary for the due Despatch of Business that the same should be filled up, and shall so direct accordingly.

Duties, &c. of the Junior Clerks under this Act.

III. Such of the Provisions contained in the Sections numbered respectively XIX., XX., XXII., XXIII., XXIV., XLIV., and XLV. of the said Act as relate to the Removal from Office, striking off the Rolls, Tenure of Office, Attendances, Duties, Prohibitions, Prosecutions, Penalties and Punishments, Salaries and Annuities, of and respecting the Junior Clerks by the same Act authorized to be appointed, are hereby extended and applied to and in the Case of the Junior Clerks to be appointed under this Act.

And whereas better Provision is required for the due Despatch of the Business now transacted in the Report Office of the Court of Chancery: Be it therefore enacted as follows:

Office of Master of Reports and

IV. The Office of Master of Reports and Entries shall be and the same is hereby abolished from the first Occurrence of a Vacancy therein after the passing of this Act, or from such other Period before the

the Occurrence of a Vacancy as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, may by Order direct. Entries abolished from first Vacancy.

V. From and after the Time when such Abolition shall take effect, the Business of the Report Office (except such Part thereof as is transacted by the Entering Clerks) shall be conducted and carried on under the Superintendence, Direction, and Control of the Clerks of Records and Writs, who shall thenceforth discharge all such Duties relative to the Report Office as may then belong to the Office of the Master of Reports and Entries, as far as the same may be from Time to Time necessary or proper to be discharged; and such Part of the Business of the Report Office as is transacted by the Entering Clerks shall be conducted and carried on by such Entering Clerks (who shall be thenceforth styled "The Entering Clerks to the Registrars") under the Superintendence, Direction, and Control of the Senior Registrar for the Time being, subject nevertheless, as to all and every Part of the Business now transacted in the Report Office, to such Rules and Regulations as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, may from Time to Time think fit by Order to make concerning the same. Report Office to be thenceforth under Superintendence of Clerks of Records and Writs and Entering Clerks under the Registrars.

VI. The Provision contained in the Section numbered XXIX. of the Act intituled "An Act for the Relief of the Suitors of the High "Court of Chancery," passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty (Chapter Eighty-seven), directing that the Duties of the Clerk of Reports (whose Office was before by the same Act abolished) should be performed by such Person or Persons as the Lord Chancellor should appoint for that Purpose, and providing for his or their Salary or Salaries, shall be and the same is hereby repealed, without prejudice, nevertheless, to any Appointment already made under the same Provision. Repeal of Part of 15 & 16 Vict. c. 87. s. 29.

VII. The Offices of the Two Clerks appointed under the last-mentioned Provision to perform the Duties of the Clerk of Reports shall be continued under this Act, and upon any Vacancy in either of those Offices it shall be lawful for the Lord Chancellor to fill up the Vacancy; and if and when the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall deem the Appointment of more than Two Persons to be requisite for the due Performance of the Duties of the Clerk of Reports or otherwise for the due Despatch of the Business of the Report Office, it shall be lawful for the Lord Chancellor to appoint from Time to Time, in addition to such Two Clerks and their Successors as aforesaid, so many Clerks of and in the Report Office as Occasion may require and the Lord Chancellor, with the Advice and Assistance last aforesaid, may direct, and from Time Number, &c. of Clerks in Report Office.

to Time to fill up all or any of the Vacancies which may occur in the Offices of the Clerks so appointed in addition as aforesaid.

Provision respecting other Duties of the Master of Reports and Entries not repealed as to present Master.

VIII. Nothing in this Act contained shall be taken to repeal or alter, as far as regards James Thomas Fry, the present Master of Reports and Entries, any of the Provisions contained in the Sections numbered respectively XXXIV., XXXV., and XXXVI. of the said Act "for the Relief of the Suitors of the High Court of Chancery," relating to the countersigning by the Master of Reports and Entries of Notes or Cheques drawn by the Accountant General of the Court of Chancery upon the Bank of England, and the Payment thereof by the same Bank, and directing that the Master of Reports and Entries should also perform all such other Duties (as well as the Duties in the same Act mentioned) as the Lord Chancellor should from Time to Time by any Order direct, and the same Provisions shall respectively continue in full Force as far as regards the said James Thomas Fry, and the Lord Chancellor is hereby required to continue the said James Thomas Fry as an Officer of the Court of Chancery for the Performance of the Duties herein-before mentioned, or such other Duties as aforesaid, after and notwithstanding that the Abolition of the said Office may have taken effect under this Act.

Provision for Continuance of present Master's Salary.

IX. As long as the said James Thomas Fry shall continue to perform any Duty now belonging to the Office of Master of Reports and Entries, or any Duty which under the last-mentioned Provision he may be directed by the Lord Chancellor to perform, he shall continue to be entitled to receive the Salary attached to the Office of Master of Reports and Entries as if this Act had not passed.

Additional Salary to present Clerks of Records and Writs in certain Cases.

In case, upon the Abolition of the Office of the Master of Reports and Entries taking effect, any of the Persons now respectively holding the Offices of Clerks of Records and Writs shall be required under this Act to discharge the Duties of the Office of the Master of Reports and Entries, or any of them, and the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall deem the Duties then devolving upon the said Persons to be too extensive in proportion to their present Salaries, they respectively may receive, in addition to their respective Salaries as Clerks of Records and Writs, such Salaries, not exceeding the Sum of Two hundred Pounds per Annum each, as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall by Order direct; but such additional Salaries shall cease in the event of the Vacancy now existing being filled up by the Appointment of a Fourth Clerk of Records and Writs, or in the event of the said Persons now respectively holding the Offices of Clerks of Records and Writs being relieved from the Duties of the Office of Master of Reports and Entries.

XI. The

The Two Clerks already appointed and the Clerks who may be hereafter appointed to perform the Duties of the Clerk of Reports or to act in the Report Office shall respectively be entitled under this Act to receive such Salaries as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall from Time to Time by Order direct, but so that the whole Amount payable for all such Salaries shall not in any One Year exceed the Sum which, if equally divided between or among all such Clerks for the Time being, would admit of a Salary of Two hundred and fifty Pounds for each of them. Salaries of the Clerks in the Report Office.

And whereas Alexander McKean, One of the Two Persons already appointed by the Lord Chancellor under the Provision herein-before mentioned to perform the Duties of the Clerk of Reports, has been employed as a Clerk or as a Writer in the Report Office for a Period of Twenty-five Years in the whole, and had been employed previously thereto as a Writer attached to the Registrars' Office of the Court of Chancery for a Period of Thirteen Years, and he is now of the Age of Sixty-seven Years, and is no longer capable of discharging efficiently the Duties which have been hitherto assigned to him in the Report Office: And whereas under the Circumstances aforesaid it is desirable that the Lord Chancellor should be empowered to order a suitable Retiring Allowance to be paid to the said Alexander McKean on his ceasing to be employed in the Report Office: Be it therefore enacted, That it shall be lawful for the Lord Chancellor by Order to direct that, from and after the said Alexander McKean ceasing to be employed in the Report Office, there shall be paid to him during his Life such Retiring Allowance, not exceeding the Sum of One hundred Pounds per Annum, as the Lord Chancellor shall think fit, upon such Terms and Conditions, if any, as the Lord Chancellor may in such Order think fit to annex thereto. Power to Lord Chancellor to grant Retiring Allowance to Alexander McKean.

All Salaries given under this Act shall grow due and be payable in such Manner, at such Times, to such Parties, and out of such Fund, as are in the Section numbered XLVIII. of the said Act "for the Relief of the Suitors of the High Court of Chancery" mentioned respecting Salaries under that Act, and such Retiring Allowance as may be ordered to be paid to the said Alexander McKean under this Act, shall grow due and be payable in such Manner, at such Times, to such Parties, and out of such Interest and Dividends as are in the Section numbered L. of the same Act mentioned respecting Retiring Allowances under that Act, subject nevertheless to the Payment of all such Salaries and other Sums of Money as are now payable out of such Fund, Interest, and Dividends respectively. How Salaries, Compensations, &c. to be paid.

And

Solicitors appointed to administer Oaths under 16 & 17 Vict. c. 78. s. 2. to exercise their Powers only at their Places of Business, except when attending sick Persons.

X. And whereas by an Act intituled "An Act relating to the "Appointment of Persons to administer Oaths in Chancery, and to "Affidavits made for Purposes connected with Registration," passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Seventy-eight, it was enacted, That it should be lawful for the Lord Chancellor to appoint any Persons practising as Solicitors within Ten Miles from Lincoln's Inn Hall, at their respective Places of Business, to administer Oaths in Chancery, and to exercise and perform certain other Powers and Duties in the said Act mentioned: Be it enacted, That from and after the passing of this Act it shall not be lawful for any Solicitor appointed as aforesaid to administer Oaths, or to exercise or perform any of the said Powers or Duties at any other Place than at such his Place of Business within Ten Miles of Lincoln's Inn Hall aforesaid, except only when he may attend any sick Person within such Ten Miles as aforesaid, in which Case he may administer an Oath or exercise or perform any of the Powers or Duties aforesaid, wherever such Person may be within the Limits aforesaid, in the same Way as if he had exercised or performed the same at such his Place of Business; and he may charge and take a Fee of Ten Shillings for every Oath, Affirmation, Declaration, or Attestation of Honour, in Chancery, taken respectively from an Invalid so attended as aforesaid, subject to any Order of the Lord Chancellor varying or annulling the same.

Persons taking false Oaths before Solicitors appointed under this and recited Acts guilty of Perjury.

XI. If any Person shall take or make any false Oath, Affirmation, or Declaration before any Solicitor authorized as in this Act and the said last-recited Act is mentioned, such Person shall be subject to all the Pains and Penalties of Perjury, whether the same Oath, Affirmation, or Declaration shall or shall not have been taken or made at a Place at which, under the Provisions aforesaid, or of the said last-recited Act, the same Oath, Affirmation, or Declaration might lawfully be taken or made; but every Solicitor before whom any Oath, Affirmation, or Declaration shall be taken or made under this Act or the last-recited Act shall state truly in the Jurat or Attestation at what Place the same Oath, Affirmation, or Declaration has been taken or made.

32 G. 3. c. 42.

And whereas by an Act passed in the Thirty-second Year of the Reign of His late Majesty King George the Third (Chapter Forty-two), intituled "An Act to empower the High Court of Chancery "to lay out a further Sum of the Suitors Money upon proper Securities, and for applying the Interest towards discharging the "Expences of the Office of the Accountant General, and for building "Offices for the Masters in Ordinary in Chancery, and a Publick "Office for the Suitors of the said Court, and Offices for the Secretaries

" taries of Bankrupts and Lunaticks, and for building Repositories for " securing the Title Deeds of the Suitors of the said Court and the " Records and Proceedings of the Commissioners of Bankrupts and " Lunaticks," it was enacted (amongst other Things) that out of the common and general Cash belonging to the Suitors of the Court of Chancery which then lay or should thereafter lie dead and unemployed in the Bank of England, a Sum not exceeding Three hundred thousand Pounds should, by virtue of any Order or Orders of the said Court to be made for that Purpose, be placed out in the Name of the Accountant General of the said Court on Government or Parliamentary Securities, and should be carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery; and further, that out of the Interest and Dividends of the Securities so to be purchased as aforesaid there should be paid (amongst other Sums) such Sum or Sums of Money, not exceeding the Sum of Thirty thousand Pounds, as the Lord High Chancellor of Great Britain or the Lord Keeper or the Lords Commissioners for the Custody of the Great Seal of Great Britain for the Time being should by any Order or Orders of the Court of Chancery direct to be applied in purchasing Ground for and in building and completing the Offices and Repositories therein-after directed to be built and completed, and in paying the other Expenses relating to the Execution of the Act now in recital not otherwise provided for, and such further Sum and Sums of Money, either yearly or in gross, as should be necessary for (amongst other Purposes) keeping the same Offices and Repositories in repair and insured from Fire; and further, that under the Direction of the Lord High Chancellor of Great Britain or the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of Great Britain for the Time being, by any Order or Orders of the Court of Chancery to be made for that Purpose, proper and convenient Offices for the Masters in Ordinary in Chancery and their Clerks, and for the Secretaries of Bankrupts and Lunatics and their Clerks, and safe and secure Repositories for the Deeds, Books, Papers, and Writings of and belonging to the Suitors of the said Court delivered or to be delivered to the Masters, and the Records, Proceedings, Deeds, Books, Papers, and Writings delivered or to be delivered to or left in the Custody of the Secretaries of Bankrupts and Lunatics respectively, together with a Public Office for the Suitors of the said Court in the Stead or Place of the then present Public Office should be built and made fit for the Reception of the said Masters and Secretaries, and the Transaction of their respective Business therein, and that for those Purposes a proper Piece of Ground should be purchased, and such Houses or Buildings as might be upon such Ground, and that the Ground and Houses so to be purchased should be from Time to Time conveyed to and the same

were thereby declared to be vested in His then Majesty, His Heirs and Successors, for the Purposes of the same Act; and further, that it should be lawful for the Lord High Chancellor of Great Britain or the Lord Keeper or the Lords Commissioners for the Custody of the Great Seal of Great Britain for the Time being, from Time to Time by any Order of the Court of Chancery, to apply such Sum or Sums of Money as should be necessary in keeping the said Offices and Repositories so to be built and completed as aforesaid in good and sufficient Repair, and in insuring the same from Damage by Fire; and in the Act now in recital was contained a Proviso, and it was thereby further enacted and declared, that if at any Time thereafter the whole or any Part of the Money thereby directed or authorized to be placed out as aforesaid should be wanted to answer any of the Demands of the Suitors of the said Court of Chancery, then and in such Case the said Court might and should direct the same or any Part thereof to be called in, or the Securities in which the same should be placed to be disposed of, in order that the Suitors of the said Court might at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors: And whereas, under the Authority and for the Purposes of the same Act, and by means of the Monies thereby provided, a Piece of Ground situate in Southampton Buildings, Chancery Lane, in the County of Middlesex, has been purchased, and a Building has been erected on Part thereof and kept in repair and insured, in which are or lately were placed the Offices of the Masters and the other Offices and Repositories in the same Act mentioned: And whereas by the first-mentioned Act of Her present Majesty (in the Section numbered LI.) it was enacted as follows: "Such of the Masters Offices in "Southampton Buildings, Chancery Lane, as shall not be assigned "by the Lord Chancellor as Chambers for the Master of the Rolls "and Vice Chancellors respectively, or shall not be required for the "Masters, shall be appropriated to any other Purposes connected with "the Court of Chancery as the Lord Chancellor may from Time to "Time direct, or the same may be let as Chambers and the Rent "thereof paid to the Suitors Fund; and when all the Masters have "resigned, died, or have been released under this Act, the Offices "may be sold by Order of the Lord Chancellor, and the Proceeds of "such Sale paid to the Suitors Fund, in such Manner and to such "particular Account as the Lord Chancellor shall by any Order "direct; and it shall be lawful for the Lord Chancellor by any Order "to direct that the Premises so to be sold and the Fee Simple and "Inheritance thereof shall vest in the Purchaser or Purchasers of the "same, his or their Heirs and Assigns, or as he or they shall direct, "and such Order shall have the Effect of vesting the same accordingly, "without any Conveyance or other Assurance from Her Majesty in "whom

15 & 16 Vict. c. 80. s. 51.

" whom the same are now vested by virtue of an Act passed in the " Thirty-second Year of the Reign of King George the Third, " Chapter Forty-two:" And whereas fuller Powers than those given by the last-recited Enactment are requisite for enabling the Lord Chancellor to let, sell, or dispose of the Masters Offices therein mentioned, and it is desirable that the like Powers should extend not only over the said Masters Offices, but also over the whole of the Ground acquired under the said Act of His late Majesty King George the Third, and of the Building already erected on Part thereof, and such other Buildings as may be hereafter erected thereon: Be it therefore enacted as follows:

Repeal of 15 & 16 Vict. c. 80. s. 51.

XII. The last-recited Enactment is hereby repealed.

The Ground and Buildings vested in the Lord Chancellor in trust.

XIII. The said Piece of Ground situate in Southampton Buildings aforesaid, and the Building now being thereon, with their and every of their Rights, Members, and Appurtenances, are hereby conveyed to and vested in the Right Honourable Robert Monsey Baron Cranworth, the now Lord High Chancellor of Great Britain, to hold the same Premises to him and his Successors in that Office for ever, in as full and ample a Manner as the same are now vested in Her Majesty the Queen by force of the said Act of His late Majesty King George the Third, in trust, nevertheless, for the Purposes of the same Act, or such of the same Purposes as are now capable of taking effect, and are not inconsistent with the Purposes of this Act, and, subject thereto, for the Uses of the Court of Chancery and the Purposes of this Act.

Power of leasing.

XIV. It shall be lawful for the Lord Chancellor from Time to Time to demise or let all or any Part of the said Piece of Ground, and with or without the same all or any Part of the Buildings for the Time being erected thereon, for such Consideration, to such Person or Persons, for such Period, subject to such Rent, Covenants, and Conditions, and in such Manner and Form as the Lord Chancellor shall from Time to Time think fit.

Power of Sale.

XV. It shall be lawful for the Lord Chancellor from Time to Time to sell and absolutely dispose of all or any Part of the said Piece of Ground, and with or without the same all or any Part of the Buildings for the Time being erected thereon, upon such Terms and in such Manner as he shall think fit.

Power to vest the Ground, &c. in a Purchaser.

XVI. For effectuating any such Sale as aforesaid, it shall be lawful for the Lord Chancellor by any Order to direct that the said Piece of Ground and the Buildings for the Time being erected thereon

thereon, or such Part thereof respectively as shall be comprised in the Sale, and the Fee Simple and Inheritance thereof, shall vest in the Purchaser or Purchasers thereof, his or their Heirs and Assigns, or as he or they shall direct; and any such Order shall have the Effect of vesting the same accordingly, without any Conveyance or other Assurance whatsoever.

Application of the Rents, Purchase Monies, &c.

XVII. The Rents, Purchase Monies, and other Monies which shall be payable upon or in respect of any such Demise, Letting, or Sale as aforesaid shall be respectively paid by such Person, and in such Manner as the Lord Chancellor shall from Time to Time direct, into the Bank of England, with the Privity of the Accountant General of the Court of Chancery, to such Account or Accounts already opened or to be opened as the Lord Chancellor shall from Time to Time direct; and thereupon such Rents, Purchase Monies, and other Monies respectively shall become and be dealt with as Part of the respective Funds (if any) theretofore standing to such Account or Accounts as aforesaid, or be otherwise subject to the Order of the Lord Chancellor for the Purposes of the Court of Chancery, and for the Benefit of the Suitors of the said Court, according to the said Provision contained in the said Act of His late Majesty King George the Third respecting the Money thereby directed or authorized to be placed out as aforesaid.

Construction.

XVIII. In this Act the Expression "the Lord Chancellor" shall be construed to mean the Lord High Chancellor of Great Britain for the Time being, and to include or be applicable to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being.

Despatch of Business, Court of Chancery.

A

B I L L

INTITULED

An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery, and to vest in the Lord Chancellor the Ground and Buildings of the said Court situate in Southampton Buildings, Chancery Lane, with Powers of Leasing and Sale thereof.

(*Brought from the Lords* 30 *March* 1855.)

Ordered, by The House of Commons, *to be Printed*, 18 *April* 1855.

[Bill 82.]

Under 2 oz.

A

BILL

FOR

The better Prevention of Diseases.

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," in so far as the same relate to the Prevention or Mitigation of epidemic, endemic, or contagious Diseases, are defective, and it is expedient to substitute other Provisions more effectual in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited for all Purposes as the "Diseases Prevention Act, 1855." Short Title.

II. The Local Authority for executing this Act shall be the Local Authority acting in execution of any general Act in force for the Time being for the Removal of Nuisances. Local Authority for Execution of Act.

III. The Expenses incurred in execution of this Act shall be borne out of the Rates or Funds administered by such Local Authority, under the Provisions and for the Purposes of any such general Act as is referred to in the preceding Section. Expenses of Act.

Power of Entry.

IV. The Local Authority and their Officers shall have Power of Entry for the Purposes of this Act, and for executing or superintending the Execution of the Regulations and Directions of the General Board issued under this Act.

Privy Council empowered to issue Orders for Diseases Prevention. Provisions N. R. & D. P. Act, 1848, s. 9.

V. Whenever any Part of England appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council or One of Her Majesty's Principal Secretaries of State being One,) may, by Order or Orders to be by them from Time to Time made, direct that the Provisions herein contained for the Prevention of Diseases be put in force in England, or in such Parts thereof as in such Order or Orders respectively may be expressed, and may from Time to Time, as to all or any of the Parts to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for *Six* Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council, or of any Members thereof, as aforesaid, shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the London Gazette; and such Publication shall be conclusive Evidence of such Order, to all Intents and Purposes.

General Board of Health may issue Regulations to carry out such Provisions. N. R. & D. P. Act, 1848, s. 10.

VI. From Time to Time after the issuing of any such Order as aforesaid, and whilst the same continues in force, the General Board of Health may issue Directions and Regulations, as the said Board think fit—

For the speedy Interment of the Dead:

For House to House Visitation:

For the dispensing of Medicines, guarding against the Spread of Disease, and affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such medical Aid and such Accommodation as may be required:

Local Extent and Duration of the Regulations of General Board. N. R. & D. P. Act, 1848, s. 10.

And from Time to Time, in like Manner, may revoke, renew, and alter any such Directions and Regulations as to the said Board appears expedient, to extend to all Parts in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts, and then to such Parts as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall, under such Order, be applicable to the same Parts.

VII. Every

VII. Every such Direction and Regulation as aforesaid, when issued, shall be published in the London Gazette, and the Gazette in which such Direction or Regulation was published shall be conclusive Evidence of the Direction or Regulation so published, to all Intents and Purposes.

Publication of the Regulations of the General Board. N. R. & D. P. Act, 1848, s. 15.

VIII. The Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall appoint and pay such Medical or other Officers or Persons, and do and provide all such Acts, Matters, and Things, as may be necessary for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require.

The Local Authority to see to the Execution of the Regulations and Directions. N. R. & D. P. Act, 1848, s. 14.

IX. The Local Authority may from Time to Time direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Direction and Regulation.

Local Authority may direct Prosecutions for violating Regulations. N. R. & D. P. Act, 1849, s. 4.

X. Every Order of Her Majesty's Privy Council, and every Direction and Regulation of the General Board of Health, under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within *Fourteen* Days next after the Commencement of the then next Session of Parliament.

Orders of Council, Directions and Regulations of Board of Health, to be laid before Parliament. N. R. & D. P. Act, 1848, s. 15.

XI. So long as any Order in Council for England is in force in any Place, on the Certificate of an Officer of Health, a Medical Officer, or Two duly qualified Medical Practitioners, that any House or Part of a House is so overcrowded as to be dangerous to Health, the Local Authority, under the Common Lodging Houses Acts, 1851 and 1853, shall have Power to regulate the same House or Part of a House, according to the Provisions of the said Acts.

When Order in Council in force over crowded Houses to come under Common Lodging Houses Act.

XII. Orders in Council issued in pursuance of this Act for putting in force the Provisions for the Prevention of Disease in the said Nuisances Removal and Diseases Prevention Acts contained, in Great Britain, may extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty; and the Board of Health for England may issue under this Act Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and providing medical Aid and Accommodation, and preventing Disease in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon inland Waters.

Order in Council to extend to Parts of Sea.

Power for Medical Officer of Union and others to recover Costs of attending Sick on board Vessels, when required by Orders of General Board of Health.

XIII. Whenever, in compliance with any Regulation of the General Board of Health, which they may be empowered to make under this Act, any Medical Officer appointed under and by virtue of the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service, at the general Rate of his Allowance for his Services for the Union or Place for which he is appointed, and such Charges shall be payable by the Captain of the Vessel, on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Union or Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case of Dispute in respect of such Charges, such Dispute may, where the Charges do not exceed *Twenty Pounds*, be determined summarily, at the Place where the Dispute arises, as in case of Seamen's Wages not exceeding *Fifty Pounds*, according to the Provisions of the Law in that Behalf for the Time being in force; and any Justice before whom Complaint is made shall determine summarily as to the Amount which is reasonable, according to the accustomed Rate of Charge within the Place for Attendance on Patients of the like Class or Condition as those in respect of whom the Charge is made.

Authentication of Directions and Regulations of General Board of Health.

XIV. The Directions and Regulations of the General Board of Health under this Enactment shall be under the Seal of the said Board, and the Hand of the President or Two or more Members thereof; and any Copy of such Regulations purporting to bear such Seal and Signature, whether the said Signature and Seal be respectively impressed and written, or printed only, shall be Evidence in all Proceedings in which such Regulations may come in question.

Penalty for obstructing Execution of Act. N. R. & D. P. Act, 1848, s. 16.

XV. Whoever wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, and whosoever wilfully violates any Direction or Regulation issued by the General Board of Health as aforesaid, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*, to be appropriated in or towards the defraying the *Expenses* of executing this Act.

Certain Provisions of Nuisances Removal Act to apply to this Act.

XVI. The Provisions of any general Act in force for the Removal of Nuisances, with regard to the Service of Notices, the Proof of Orders or Resolutions of the Local Authority, and the Recovery of Penalties, shall extend and apply to this Act.

A

BILL

FOR

The better Prevention of Diseases.

(*Prepared and brought in by*
Sir Benjamin Hall and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed*,
31 *July* 1855.

[Bill 283.]

Under 1 *oz.*

Dissenters Marriages.

ARRANGEMENT OF CLAUSES.

Preamble.

No Notice of Marriage to be read or published before Poor Law Guardians, or to be transmitted to the Clerk of such Guardians; Sect. 1.

Marriage on Oath or Declaration of One of the Parties intending to marry; 2.

No Notice of Marriage by Licence to be suspended in the Office of the Superintendent Registrar; 3.

In case of Marriage by Licence, Notice to be given to the Superintendent Registrar of only One District; 4.

Notice of Marriage may be given in Ireland, if One of the Parties reside there; 5.

In Cases of Marriage by Licence, Certificates of Notice may be given by the Superintendent Registrar after the Expiration of Twenty-four Hours after the Entry of the Notice (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized; 6.

Form of Licence to marry; 7.

Mode of solemnizing a Marriage in a Place used for Religious Worship; 8.

Marriages by Certificate according to the Rites of the Church of England; 9.

Fees payable on Marriages to Superintendent Registrar and Registrar; 10.

Superintendent Registrar may grant Licences for Marriage of Quakers and Jews; 11.

Appointments of Registrars of Marriages to be subject to the Approval of the Registrar General; 12.

Registrar of Marriages may appoint a Deputy; 13.

Proof of the Observance of this Act not necessary to the Validity of Marriages; 14.

Penalty on making false Oath or Declaration, or giving false Notices; 15.

Provisions as to existing Acts; 16.

A

B I L L

TO

Amend the Provisions of the Marriage Acts relating to Dissenters.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS an Act was passed in the Session holden in the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter Eighty-five, intituled "An Act for Marriages in England;" and another Act was passed in the First Year of the Reign of Her Majesty, Chapter Twenty-two, intituled "An Act to explain and amend Two Acts, passed in the last Session of Parliament, for Marriages, and for registering Births, Deaths, and Marriages in England;" and another Act was passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Seventy-two, intituled "An Act to provide for the Solemnization of Marriages in the District in or near to which the Parties reside:" And whereas it is expedient to alter and amend the Provisions of the said recited Acts, so far as is herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 6 & 7 W. 4. c. 85. 1 Vict. c. 22 3 & 4 Vict. c. 72.

I. In case of any Party intending Marriage under the Provisions of any of the said recited Acts, no Notice of such intended Marriage shall No Notice of Marriage to be read or published

before Poor Law Guardians, or be transmitted to the Clerk of such Guardians.

shall be read or published before the Guardians of any Poor Law Union or Parish or Place, or be transmitted by any Superintendent Registrar to the Clerk of any such Guardians.

Marriage on Oath or Declaration of One of the Parties intending to marry.

II. In case of any Party intending Marriage under the Provisions of any of the said recited Acts, he or she shall take or make, before the Superintendent Registrar before whom he or she shall appear, an Oath, or solemn Affirmation in lieu of an Oath, accompanied by a written Declaration, (which Oath or solemn Affirmation the said Superintendent Registrar is hereby authorized to administer and receive,) that he or she believes that there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that One of the said Parties hath, for the Space of *Fifteen Days* immediately preceding such Oath or solemn Affirmation, had his or her usual Place of Abode and Residence within the District of such Superintendent Registrar within whose District the said Marriage is intended to be solemnized, or, if it shall be intended to solemnize such Marriage in a District in which neither of the Parties shall reside, under the Provisions of the Third and Fourth Victoria, Chapter Seventy-two, within the District of the Superintendent Registrar to whom Notice of the intended Marriage shall have been given, and when either of the Parties intending Marriage, and not being a Widow or Widower, shall be under the Age of Twenty-one Years, that the Consent of the Person or Persons whose Consent to such Marriage is by Law required has been given, or (as the Case may be) that there is no Person or Persons whose Consent to such Marriage is by Law required.

No Notice of Marriage by Licence to be suspended in the Office of the Superintendent Registrar.

III. In case of any Party intending Marriage by Licence, under the Provisions of any of the said recited Acts, no Notice of such intended Marriage shall be suspended in the Office of the Superintendent Registrar, but any Party so intending Marriage by Licence under the Provisions of any of the said recited Acts shall be entitled to declare in Writing under his or her Hand, by Endorsement on the Notice of such intended Marriage, that such Marriage is intended to be celebrated by Licence.

In case of Marriage by Licence, Notice of Marriage to be given to the Superintendent Registrar of only One District.

IV. In every such Case of Marriage intended to be solemnized by Licence under the Provisions of any of the said recited Acts, between Parties respectively dwelling in the Districts of Two different Superintendent Registrars, it shall not be required that Notice of such intended Marriage shall be given to the Superintendent Registrar of each of such Districts, but a Notice to the Superintendent Registrar of One of such Districts shall be sufficient; and it shall not be required that the said Notice shall state how long each of the said Parties

Parties has resided in his or her Dwelling Place, but only how long the Party residing in the District in which the Notice is given has so resided.

Notice of Marriage may be given in Ireland, if One of the Parties reside there.

V. In every Case in which One of the Parties intending Marriage under the Provisions of this Act shall dwell in Ireland, the Party so dwelling in Ireland shall give Notice in the Form there used in that Behalf or to the like Effect to the Registrar of the District in Ireland within which such Party shall have dwelt for not less than *Seven Days* then next preceding, and shall state therein the Name and Surname and the Profession or Condition and Age of each of the Parties intending Marriage, and also the Dwelling Place of each of them, and the Time, not being less than *Seven Days*, during which he or she shall have dwelt therein, and also the Church or other Building in which the Marriage is to be solemnized; provided, that if either Party shall have dwelt in the Place stated in the Notice as his or her Dwelling Place more than One Month, it may be stated that he or she hath dwelt therein One Month and upwards; and such Notice shall be dealt with in the Manner and such Certificate for Marriage shall be given by such Registrar in the Mode respectively prescribed in an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty-one, intituled "An Act for Marriages in Ireland, "and for registering such Marriages," as amended by another Act passed in the Session holden in the Ninth and Tenth Years of the same Reign, Chapter Seventy-two, intituled "An Act to amend "the Act for Marriages in Ireland, and for registering such Marriages;" provided, that in such Case the Certificate for Marriage shall not be issued before the Expiration of *Seven Days*, if the Marriage is to be solemnized by Licence, or of *Twenty-one Days*, if the Marriage is to be solemnized without Licence, next after the Day of the Entry of such Notice, as in the first of the said Two last-mentioned Acts is provided; and from and after the issuing of such Certificate the Production of the same to any Person duly authorized under the Provisions of this Act to solemnize a Marriage, or to grant a Licence for Marriage, shall be as valid and effectual for authorizing such Person to solemnize such Marriage, or to grant such Licence, as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in England would be under any or either of the said Three firstly herein-before recited Acts if the Party giving such Notice were resident within such District, and the other Party to such intended Marriage were also resident within another Superintendent Registrar's District in England.

In Cases of Marriage by Licence, Certificates of the Notice thereof may be given by the Superintendent Registrar after the Expiration of 24 Hours after the Entry of the Notice (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized.

VI. Every Superintendent Registrar receiving Notice of an intended Marriage to be solemnized by Licence as aforesaid shall, after entering such Notice in his "Marriage Notice Book," issue under his Hand, upon the Request in Writing of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in Schedule (A.) to this Act annexed, provided no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar within Twenty-four Hours after he shall have entered the Notice of the said intended Marriage as aforesaid, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of *One Shilling;* and at any Time after the issuing of such Certificate the intended Marriage may be solemnized under the Authority of the said Licence.

Form of Licence to marry.

VII. The Form of a Licence for Marriage so to be granted as aforesaid to any Party or Parties by the Superintendent Registrar of any District as aforesaid shall be in the Form or to the Effect of the Licence set forth in Schedule (B.) to this Act annexed; and for every such Licence the Superintendent Registrar granting the same shall be entitled to have and receive of the Party requiring the same the Sum of *One Pound*, over and above the Amount paid for the Stamps necessary on granting such Licence.

Mode of solemnizing a Marriage in a Place used for Religious Worship.

VIII. No Marriage solemnized in pursuance of the Provisions of any of the said recited Acts or of this Act shall be solemnized in any Registered Building in any Manner except in accordance with the Usage of the Religious Body by whom the same Building may be used for Religious Worship, or at any Time or in any Manner to the Interruption or Disturbance of the Religious Worship or Instruction therein, during the usual Hours appropriated thereto, in the said Building, or without the written Consent of the Minister, or of the Trustees or One of the Trustees, or of the Owners or One of the Owners, or of the Deacons or One of the Deacons, or the Managers or One of the Managers for the Time being of the said Building for that Purpose obtained.

Marriages by Certificate according to

IX. Where any Marriage shall be intended to be had and solemnized under the Provisions of any or either of the said Three firstly herein-

herein-before recited Acts, on the Production of the Superintendent Registrar's Certificate, according to the Rites of the Church of England, the Church or Chapel wherein any such Marriage shall be so solemnized shall be that of a Parish or Ecclesiastical District lying wholly or partly within the District of the Superintendent Registrar by whom such Certificate as aforesaid shall have been issued, and shall also be the Church or Chapel of the Parish or Ecclesiastical District within which One of the Parties to such Marriage resides. the Rites of the Church of England.

X. Every Superintendent Registrar and also every Registrar of Marriages shall be entitled, for and in respect of every Marriage which shall hereafter be solemnized under the Provisions of any or either of the herein-before recited Acts or of this Act, in his Presence, to have and receive, immediately before such Marriage, from the Parties to be married or One of them, the Sum of *Ten Shillings* if the Marriage shall be by Licence, or otherwise the Sum of *Five Shillings*, and also the further Sum of *Five Shillings* as Remuneration for his Loss of Time, in every Case in which such Superintendent Registrar or Registrar shall have attended at the Place of Marriage for the Purpose of being present thereat, pursuant to a previous Appointment made by the said Parties or either of them, for the Solemnization or Contraction thereof. Fees payable on Marriages to Superintendent Registrar and Registrar.

XI. Every Superintendent Registrar shall have Authority to grant Licence for Marriage in any Building wherein Marriages may be lawfully contracted and solemnized between Persons belonging to the Society of Friends commonly called Quakers, and between Persons professing the Jewish Religion; and where any Marriage is intended to be solemnized by Licence in a registered Building within a District in which neither of the Parties resides, pursuant to the Provision in that Behalf contained in the said herein-before recited Act of the Third and Fourth Years of Her Majesty, Chapter Seventy-two, it shall be lawful for the Superintendent Registrar to whom Notice of such intended Marriage shall have been given to grant to the Party applying for the same a Licence for such Marriage to be solemnized in the registered Building stated in such Notice. Superintendent Registrar may grant Licences for Marriage of Quakers and Jews.

By whom Licence to be granted in the Case of Marriage under 3 & 4 Vict. c. 72.

XII. Every Appointment to be hereafter made by any Superintendent Registrar of any Person or Persons to be a Registrar or Registrars for the Purpose of being present at Marriages to be solemnized under and by virtue of any or either of the said recited Acts or of this Act shall be by Writing under the Hand of such Superintendent Registrar, and shall be subject to the Approval of the Registrar General." Appointment of Registrars of Marriages to be subject to the Approval of the Registrar General.

Registrar of Marriages may appoint Deputy.

XIII. Every Registrar of Marriages already appointed or hereafter to be appointed shall be and he is hereby empowered, subject to the Approval of the Registrar General, to appoint, by a Writing under his Hand, a fit Person to be and to act as his Deputy, whensoever he may be authorized or required so to do, by any Regulation to be made by the Registrar General; and every such Deputy, while so acting, shall have all the Powers and Duties and be subject to all the Provisions and Penalties in the said recited Acts or any or either of them given, imposed, and contained concerning Registrars of Marriages; and every such Deputy shall hold his Office during the Pleasure of the Registrar by whom he was appointed, but shall be removable by the Registrar General; and every Registrar of Marriages shall be civilly responsible for the Acts and Omissions of his Deputy; and in case any Registrar of Marriages shall die, or otherwise cease to hold his Office, his Deputy shall become the Registrar of Marriages in his Place until the Appointment of another Registrar of Marriages shall have been made, and notified to him by the Superintendent Registrar or by the Registrar General, and shall, while continuing such Registrar, have the same Powers and Duties and be subject to the same Provisions and Penalties as any other Registrar of Marriages under this Act.

Proof of the Observance of this Act not necessary to the Validity of Marriage.

XIV. After any Marriage shall have been solemnized by virtue of any Licence granted or purporting to be granted under the Authority of this Act, it shall not be necessary in support of such Marriage to give in Evidence Proof of the due Observance or of Compliance with the Requirements and Provisions of this Act, and that no Evidence to prove the contrary shall be given or received in any Suit touching the Validity of such Marriage.

Penalty on making false Oath or Declaration, or giving false Notices.

XV. Any Person who shall knowingly or wilfully make any false Oath, Affirmation, or Declaration, or sign any false Notice required by this Act, for the Purpose of procuring any Marriage, and every Person who shall forbid the granting by any Superintendent Registrar of a Licence for Marriage by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall suffer the Penalties of Perjury.

Provisions as to existing Acts.

XVI. Except where the Provisions of the said recited Acts are expressly altered by or are at variance with the Provisions of this Act, nothing herein contained shall alter, repeal, or affect, or be construed so as in any Manner to alter, repeal, or affect any of the several Provisions and Clauses contained in the same Acts or any of them, but, except as aforesaid, the same Provisions and Clauses respectively shall

shall be and remain in full Force and Effect as if this Act had not been passed, and this Act shall, except as aforesaid, be considered as incorporated with the same Provisions and Clauses, and be construed in connexion therewith.

SCHEDULE (A.)

Form of Superintendent Registrar's Certificate.

I, John Cox, Superintendent Registrar of the District of in the County of do hereby certify, That on the Day of 185 , Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties therein named and described, and of such Marriage being intended to be solemnized by Licence, under the Hand of John Smith, One of the Parties; (that is to say,)

Names of the Parties intending to be married.	Condition.	Rank or Station in Life.	Ages of the Parties.	Dwelling Places of the Parties.	Length of Residence of the Parties.	Building in which the Marriage is to be solemnized.	District and County in which the Party not giving the Notice dwells, when the Parties dwell in different Districts.
John Smith	*Widower*	*Carpenter*	*Of full Age.*	16, *High-st., Tunbridge.*	*Fifteen Days*	*Sion Chapel, West Street, Stepney, Middlesex.*	
Martha Green	*Spinster*		*Minor*	*Grove Farm, Stepney, Middlesex.*			*Stepney, Middlesex.*

Date of Entry of Notice, May 185 .
Date of Certificate given, May 185 .

The Issue of this Certificate has not been forbidden by any Person authorized to forbid the Issue thereof.

Witness my Hand, this Day of May 185 .

(Signed) *John Cox,*
Superintendent Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the Day of 18 .

SCHEDULE (B.)

Form of Superintendent Registrar's Licence for Marriage.

I *A.B.*, Superintendent Registrar of the District of in the County of to *C.D.* of and *E.F.* of , send greeting:

WHEREAS you are minded, as it is said, to enter into a Contract of Marriage under the Provisions of an Act made in the Seventh Year of

of the Reign of His Majesty King William the Fourth, intituled "An "Act for Marriages in England," and of an Act made in the First Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to explain and amend Two Acts passed in the last Session "of Parliament, for Marriages, and for registering Births, Deaths, "and Marriages in England," and of an Act made in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled "An "Act to provide for the Solemnization of Marriages in the District "in or near which the Parties reside," and of an Act made in the Year of Her Majesty Queen Victoria, Chapter [*here insert the Title of this Act*], or some or One of them, and you are desirous that the same may be speedily and publicly solemnized: And whereas you *C.D.* [*or* you *E.F.*] have made an Oath and subscribed a Declaration under your Hand [*or* have made a solemn Affirmation and subscribed a Declaration under your Hand], that you believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that you *C.D.* [*or* you *E.F.*] have [*or* the said *C.D.* [*or E.F.*] has] had your [*or* his *or* her] usual Place of Abode for the Space of Fifteen Days last past within the District of [ ], and that you *C.D.* [*or* you *E.F.*], or the said *C.D.* [*or E.F.*], not being a Widower [*or* Widow], are [*or* is] under the Age of Twenty-one Years, and that the Consent of *G.H.*, whose Consent to your [*or* his *or* her] Marriage is required by Law, has been obtained thereto [*or* that there is no Person whose Consent to such Marriage is necessary]: Now I do hereby grant unto you, the said *C.D.* and *E.F.*, full Licence, according to the Authority in that Behalf given to me by the above-recited Acts, or some or One of them, to proceed to solemnize such Marriage, and unto the Registrar of Marriages for the District of [*here insert the Name of the District in which the Marriage is to be solemnized*] Licence to register such Marriage according to Law, provided that the said Marriage be duly solemnized in the Presence of the said Registrar and Two Witnesses within Three Calendar Months from the Day of [*insert here the Date of the Entry in the Notice Book of the Superintendent Registrar of the Notice of the intended Marriage*] in the [*here describe the Building in which such Marriage is to be solemnized*], between the Hours of Eight and Twelve in the Forenoon. Given under my Hand, this Day of 18 .

(Signed) *A.B.*,
Superintendent Registrar.

[97.]

Dissenters Marriages.

A

BILL

To amend the Provisions of the Marriage Acts relating to Dissenters.

(*Prepared and brought in by Mr. Cheetham and Mr. Pellatt.*)

Ordered by the House of Commons, *to be Printed,* 27 *April* 1855.

[Bill 97.]

Under 2 *oz.*

Dissenters Marriages Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

No Notice of Marriage to be read or published before Poor Law Guardians, or to be transmitted to the Clerk of such Guardians; Sect. 1.

Marriage on Oath or Declaration of One of the Parties intending to marry; 2.

Notice of Marriage to be affixed to the Place of Worship where the Marriage without Licence is to be solemnized; 3.

No Notice of Marriage by Licence to be suspended in the Office of the Superintendent Registrar; 4.

In case of Marriage by Licence, Notice to be given to the Superintendent Registrar of only One District; 5.

Notice of Marriage may be given in Ireland, if One of the Parties reside there; 6.

In Cases of Marriage by Licence, Certificates of Notice may be given by the Superintendent Registrar after the Expiration of Twenty-four Hours after the Receipt of the Notice (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized; 7.

Form of Licence to marry; 8.

Mode of solemnizing a Marriage in a Place used for Religious Worship; 9.

Marriages by Certificate according to the Rites of the Church of England; 10.

Fees payable on Marriages to Superintendent Registrar and Registrar; 11.

Superintendent Registrar may grant Licences for Marriage in any Building licensed for Marriage; 12.

Appointments of Registrars of Marriages to be subject to the Approval of the Registrar General; 13.

Registrar of Marriages may appoint a Deputy; 14.

A suitable Office to be provided for the Superintendent Registrar; 15.

Proof of the Observance of this Act and of the recited Acts in certain Matters not necessary to the Validity of Marriages; 16.

Penalty on making false Oath or Declaration, or giving false Notices; 17.

In case of fraudulent Marriages the guilty Party to forfeit all Property accruing from the Marriage, as in 4 Geo. IV. c. 76.;—18.

Provisions as to existing Acts; 19.

Commencement of Act; 20.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Provisions of the Marriage Acts relating to Dissenters.

[Note.—*The Clauses* A. *to* E. *were added in Committee.*]

WHEREAS an Act was passed in the Session holden in the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter Eighty-five, intituled "An Act for Marriages in England;" and another Act was passed in the First Year of the Reign of Her Majesty, Chapter Twenty-two, intituled "An Act to explain and amend Two Acts, passed in the last Session of Parliament, for Marriages, and for registering Births, Deaths, and Marriages in England;" and another Act was passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Seventy-two, intituled "An Act to provide for the Solemnization of Marriages in the District in or near to which the Parties reside:" And whereas it is expedient to alter and amend the Provisions of the said recited Acts, so far as is herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 6 & 7 W. 4. c. 85. 1 Vict. c. 22. 3 & 4 Vict. c. 72.

I. In case of any Party intending Marriage under the Provisions of any of the said recited Acts, no Notice of such intended Marriage shall No Notice of Marriage to be read or published

before Poor Law Guardians, or be transmitted to the Clerk of such Guardians.

shall be read or published before the Guardians of any Poor Law Union or Parish or Place, or be transmitted by any Superintendent Registrar to the Clerk of any such Guardians.

Marriage on Oath or Declaration of One of the Parties intending to marry.

II. In case of any Party intending Marriage under the Provisions of any of the said recited Acts, he or she shall, before any Certificate for Marriage shall be issued, take or make, before the Superintendent Registrar, Deputy Registrar, or Registrar before whom he or she shall appear, an Oath, or solemn Affirmation in lieu of an Oath, accompanied by a written Declaration, (which Oath or solemn Affirmation the said Superintendent Registrar, Deputy Registrar, or Registrar is hereby authorized to administer and receive,) that he or she believes that there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that One of the said Parties hath, for the Space of Fifteen Days immediately preceding such Oath or solemn Affirmation, had his or her usual Place of Abode and Residence within the District of such Superintendent Registrar, and when either of the Parties intending Marriage, and not being a Widow or Widower, shall be under the Age of Twenty-one Years, that the Consent of the Person or Persons whose Consent to such Marriage is by Law required has been given, or (as the Case may be) that there is no Person or Persons whose Consent to such Marriage is by Law required, but no Stamp Duty shall be chargeable upon or in respect of any Affidavit or Declaration made to procure such Certificate of Marriage as aforesaid.

Clause A. Notice of Marriage to be affixed to the Place of Worship where the Marriage without Licence is to be solemnized.

III. In case of any Party intending Marriage without Licence, under the Provisions of any of the said recited Acts, the Superintendent Registrar within whose District the said Marriage is intended to be solemnized shall, within Three Days after the Notice of such Marriage shall have been received by him, cause a Copy of the Notice to be affixed at or near the Door of the Church, Chapel, or Place of Worship in which such Marriage is intended to be solemnized; provided, that in case of the Marriage being intended to be solemnized under the Provisions of the Act passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Seventy-two, then a Copy of the Notice of Marriage shall be sent by the Superintendent Registrar receiving such Notice whose District is nearest to the Place of Worship within which the said Marriage is intended to be solemnized to the Superintendent Registrar of the District within which the said Place of Worship is situate, who shall affix the said Copy as aforesaid.

No Notice of Marriage by Licence to

IV. In case of any Party intending Marriage by Licence, under the Provisions of any of the said recited Acts, no Notice of such

inte

intended Marriage shall be suspended in the Office of the Superintendent Registrar, but any Party so intending Marriage by Licence under the Provisions of any of the said recited Acts shall be entitled to declare in Writing under his or her Hand, by Subscription or Endorsement on the Notice of such intended Marriage, that such Marriage is intended to be celebrated by Licence.

be suspended in the Office of the Superintendent Registrar.

V. In every such Case of Marriage intended to be solemnized by Licence under the Provisions of any of the said recited Acts, between Parties respectively dwelling in the Districts of Two different Superintendent Registrars, or between Parties one of whom is dwelling in the District of a Superintendent Registrar and the other is dwelling in Scotland or Ireland or in a foreign Country, it shall not be required that Notice of such intended Marriage shall be given to the Superintendent Registrar of each of such Districts, but a Notice to the Superintendent Registrar of One of such Districts shall be sufficient, or in the Case where One of the Parties shall be resident in Scotland or Ireland, or in a foreign Country, a Notice to the Superintendent Registrar of the District in England where the other Party resides shall be sufficient; and it shall not be required that the said Notice shall state how long each of the said Parties has resided in his or her Dwelling Place, but only how long the Party residing in the District in which the Notice is given has so resided.

In case of Marriage by Licence, Notice of Marriage to be given to the Superintendent Registrar of only One District.

VI. In every Case in which One of the Parties intending Marriage without Licence under the Provisions of this Act shall dwell in Ireland, the Party so dwelling in Ireland shall give Notice in the Form there used in that Behalf or to the like Effect to the Registrar of the District in Ireland within which such Party shall have dwelt for not less than Seven Days then next preceding, and shall state therein the Name and Surname and the Profession or Condition and Age of each of the Parties intending Marriage, and also the Dwelling Place of each of them, and the Time, not being less than Seven Days, during which he or she shall have dwelt therein, and also the Church or other Building in which the Marriage is to be solemnized; provided, that if either Party shall have dwelt in the Place stated in the Notice as his or her Dwelling Place more than One Month, it may be stated that he or she hath dwelt therein One Month and upwards; and such Notice shall be dealt with in the Manner and such Certificate for Marriage shall be given by such Registrar in the Mode respectively prescribed in an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty-one, intituled "An Act for Marriages in Ireland, " and for registering such Marriages," as amended by another Act passed in the Session holden in the Ninth and Tenth Years of the same

Notice of Marriage without Licence may be given in Ireland, if One of the Parties reside there.

same Reign, Chapter Seventy-two, intituled "An Act to amend "the Act for Marriages in Ireland, and for registering such Marriages;" provided, that in such Case the Certificate for Marriage shall not be issued before the Expiration of Twenty-one Days next after the Day of the Entry of such Notice, as in the first of the said Two last-mentioned Acts is provided; and from and after the issuing of such Certificate the Production of the same to any Person duly authorized under the Provisions of this Act to solemnize a Marriage shall be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in England would be under any or either of the said Three firstly herein-before recited Acts if the Party giving such Notice were resident within such District, and the other Party to such intended Marriage were also resident within another Superintendent Registrar's District in England.

In Cases of Marriage by Licence, Certificates of the Notice thereof may be given by the Superintendent Registrar after the Expiration of 24 Hours after the Receipt of the Notice (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized.

VII. Every Superintendent Registrar receiving Notice of an intended Marriage to be solemnized by Licence as aforesaid shall, after entering such Notice in his "Marriage Notice Book," issue under his Hand, upon the Request in Writing of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in Schedule (A.) to this Act annexed, provided no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar within Twenty-four Hours after he shall have received the Notice of the said intended Marriage as aforesaid, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months of the giving of such Notice the intended Marriage may be solemnized under the Authority of the said Licence.

Form of Licence to marry.

VIII. The Form of a Licence for Marriage so to be granted as aforesaid to any Party or Parties by the Superintendent Registrar of any District as aforesaid shall be in the Form or to the Effect of the Licence set forth in Schedule (B.) to this Act annexed; and for every such Licence the Superintendent Registrar granting the same shall be entitled to have and receive of the Party requiring the same the Sum of One Pound, over and above the Amount paid for the Stamps necessary on granting such Licence.

IX. No

Mode of solemnizing a Marriage in a Place used for Religious Worship.

IX. No Marriage solemnized in pursuance of the Provisions of any of the said recited Acts or of this Act shall be solemnized in any Church or Chapel of the United Church of England and Ireland without the Consent of the Minister of such Church or Chapel, or in any Registered Building in any Manner except in accordance with the Usage of the Religious Body by whom the same Building may be used for Religious Worship, if any Religious Service is used at the Time of the Solemnization of the Marriage or at any Time or in any Manner to the Interruption or Disturbance of the Religious Worship or Instruction therein, during the usual Hours appropriated thereto, in the said Building, or without the written Consent of the Minister, or of the Trustees or One of the Trustees, or of the Owners or One of the Owners, or of the Deacons or One of the Deacons, or the Managers or One of the Managers for the Time being of the said Building for that Purpose obtained.

Marriages by Certificate according to the Rites of the Church of England.

X. Where any Marriage shall be intended to be had and solemnized under the Provisions of any or either of the said Three firstly herein-before recited Acts, on the Production of the Superintendent Registrar's Certificate, according to the Rites of the Church of England, the Church or Chapel wherein any such Marriage shall be so solemnized shall be that of a Parish or Ecclesiastical District lying wholly or partly within the District of the Superintendent Registrar by whom such Certificate as aforesaid shall have been issued, and shall also be the Church or Chapel of the Parish or Ecclesiastical District within which One of the Parties to such Marriage resides.

Fees payable on Marriages to Superintendent Registrar and Registrar.

XI. Every Superintendent Registrar and also every Registrar of Marriages shall be entitled, for and in respect of every Marriage which shall hereafter be solemnized under the Provisions of any or either of the herein-before recited Acts or of this Act, in his Presence, to have and receive, immediately before such Marriage, from the Parties to be married or One of them, the Sum of Ten Shillings if the Marriage shall be by Licence, or otherwise the Sum of Five Shillings, and also the further Sum of Five Shillings as Remuneration for his Loss of Time, in every Case in which such Superintendent Registrar or Registrar shall have attended at the Place of Marriage for the Purpose of being present thereat, pursuant to a previous Appointment made by the said Parties or either of them, for the Solemnization or Contraction thereof.

Superinendent Registrar may grant Licences for Marriage in any Building out of the District in which either of the Parties reside.

XII. Where any Marriage is intended to be solemnized by Licence in a registered Building within a District in which neither of the Parties resides, it shall be lawful for the Superintendent Registrar to whom Notice of such intended Marriage shall have been given to grant to the Party applying for the same a Licence for such Marriage to be solemnized in the registered Building stated in such Notice.

Appointment of Registrars of Marriages to be subject to the Approval of the Registrar General.

XIII. Every Appointment to be hereafter made by any Superintendent Registrar of any Person or Persons to be a Registrar or Registrars for the Purpose of being present at Marriages to be solemnized under and by virtue of any or either of the said recited Acts or of this Act shall be by Writing under the Hand of such Superintendent Registrar, and shall be subject to the Approval of the Registrar General.

Registrar of Marriages may appoint a Deputy.

XIV. Every Registrar of Marriages already appointed or hereafter to be appointed shall be and he is hereby empowered, subject to the Approval of the Registrar General, to appoint, by a Writing under his Hand, a fit Person to be and to act as his Deputy, whensoever he may be authorized or required so to do, by any Regulation to be made by the Registrar General; and every such Deputy, while so acting, shall have all the Powers and Duties and be subject to all the Provisions and Penalties in the said recited Acts or any or either of them given, imposed, and contained concerning Registrars of Marriages; and every such Deputy shall hold his Office during the Pleasure of the Registrar by whom he was appointed, but shall be removable by the Registrar General; and every Registrar of Marriages shall be civilly responsible for the Acts and Omissions of his Deputy; and in case any Registrar of Marriages shall die, or otherwise cease to hold his Office, his Deputy shall become the Registrar of Marriages in his Place until the Appointment of another Registrar of Marriages shall have been made, and notified to him by the Superintendent Registrar or by the Registrar General, and shall, while continuing such Registrar, have the same Powers and Duties and be subject to the same Provisions and Penalties as any other Registrar of Marriages under this Act.

Clause B. A suitable Office to be provided for the Superintendent Registrar.

XV. No Office of a Superintendent Registrar for the Contract or Solemnization of Marriage under this or any of the before-recited Acts shall consist of a Room or Building which shall form Part of any Poor Law Union Workhouse or other Workhouse, or which shall be situated within the Precincts of any Workhouse, but that in and for every Superintendent Registrar's District wherein for the Time being the Registrar Office of such District is so situated the Guardians or Overseers of the Union, Parish, or Place, or respective Unions, Parishes, or Places constituting such District, shall from Time to Time, out of the Monies coming to their Hands as such Guardians or Overseers, find and provide for the Superintendent Registrar, in some suitable Locality, a fit Room or Rooms, to be approved by the Registrar General, for conducting all the preliminary Proceedings relating to the contracting of Marriages under this Act, and also for the subsequent Solemnization thereof; and in the meantime and until such Provision as last aforesaid

said shall have been so made by the said Guardians or Overseers in any such District as aforesaid, the Superintendent Registrar of such District shall for the Purposes aforesaid appropriate some fit Room or Rooms (to be approved by the Registrar General), for the Use and Occupation whereof he shall be entitled to have and receive of and from the said Guardians or Overseers (as the Case may be) at and after the Rate of not exceeding Ten Pounds per Annum for the Period during which such last-mentioned Room or Rooms shall be so appropriated by him as aforesaid; and every Room which in any District shall be so provided by the Guardians or Overseers, or which shall be so appropriated by the Superintendent Registrar, when approved by the Registrar General as aforesaid, shall for the Purposes of this Act be deemed and taken to be to all Intents Part and Parcel of the Register Office of such District; and every such Room, while used exclusively as a Register Office, or as Part and Parcel of a Register Office, shall be freed and exempted from Liability to be rated to the Relief of the Poor.

CLAUSE C. Proof of the Observance of this Act and of the recited Acts in certain Matters not necessary to the Validity of Marriages.

XVI. After any Marriage shall have been solemnized under the Authority of this or of any of the recited Acts, it shall not be necessary in support of such Marriage to give any Proof of the actual Dwelling or of the Period of Dwelling of either of the Parties previous to the Marriage within the District stated in any Notice of Marriage, or of the Consent of any Person whose Consent thereto is required by Law, or of the Truth of the Facts authorized to be stated in the Notice of Marriage; nor shall any Evidence be given to prove the contrary in any Suit or legal Proceedings touching the Validity of such Marriage; nor shall the Validity of any Marriage, past or future, which has been or shall be solemnized under the Authority of this or any of the recited Acts, be affected by the Fact of the Place of Worship, if any, in which such Marriage has been or shall be solemnized not having been duly certified, recorded, or registered under the Provisions of any Act or Acts which may require the same.

Penalty on making false Oath or Declaration, or giving false Notices.

XVII. Any Person who shall knowingly or wilfully make any false Oath, Affirmation, or Declaration, or sign any false Notice required by this Act, for the Purpose of procuring any Marriage, and every Person who shall forbid the granting by any Superintendent Registrar of a Licence for Marriage by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall suffer the Penalties of Perjury.

CLAUSE D. In case of fraudulent Marriages,

XVIII. If any valid Marriage shall be had under the Provisions of this or any of the recited Acts by means of any wilfully false Oath,

the guilty Party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76.

solemn Affirmation, Notice, or Certificate, made or obtained by either Party to such Marriage, as to any Matter in which a solemn Affirmation, Declaration, Notice, or Certificate is required, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue for a Forfeiture of all the Estate and Interest in any Property accruing to the offending Party by such Marriage, and the Proceedings thereupon and the Consequences thereof shall be the same as are provided in the like Case with regard to Marriages solemnized by Licence between Parties under Age according to the Rites of the Church of England in the Statute passed in the Fourth Year of the Reign of His late Majesty, King George the Fourth, Chapter Seventy-six.

Provisions as to existing Acts.

XIX. Except where the Provisions of the said recited Acts are expressly altered by or are at variance with the Provisions of this Act, nothing herein contained shall alter, repeal, or affect, or be construed so as in any Manner to alter, repeal, or affect any of the several Provisions and Clauses contained in the same Acts or any of them, but, except as aforesaid, the same Provisions and Clauses respectively shall be and remain in full Force and Effect as if this Act had not been passed, and this Act shall, except as aforesaid, be considered as incorporated with the same Provisions and Clauses, and be construed in connexion therewith: Provided, that none of the Provisions of this Act shall limit or alter, or be construed to limit or alter, the Privileges of Persons belonging to the Society of Friends commonly called Quakers, or of Persons professing the Jewish Religion, or impose on either of such Bodies any Obligations beyond such as are enacted in either of the said recited Acts.

Clause E. Commencement of Act.

XX. This Act shall come into operation on the First Day of January One thousand eight hundred and fifty-six, and none of the Provisions thereof shall take effect previous to that Day.

SCHE-

SCHEDULE (A.)

Form of Superintendent Registrar's Certificate.

I, John Cox, Superintendent Registrar of the District of in the County of do hereby certify, That on the Day of 185 , Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties therein named and described, and of such Marriage being intended to be solemnized by Licence, under the Hand of John Smith, One of the Parties; (that is to say,)

Names of the Parties intending to be married.	Condition.	Rank or Station in Life.	Ages of the Parties.	Dwelling Places of the Parties.	Length of Residence of one of the Parties.	Building in which the Marriage is to be solemnized.	District and County in which the Party not giving the Notice dwells, when the Parties dwell in different Districts.
John Smith	*Widower*	*Carpenter*	*Of full Age.*	*16, High-st., Tunbridge.*	*Fifteen Days*	*Sion Chapel, West Street, Stepney, Middlesex.*	
Martha Green	*Spinster*		*Minor*	*Grove Farm, Stepney, Middlesex.*			*Stepney, Middlesex.*

Date of Entry of Notice, May 185 .
Date of Certificate given, May 185 .

The Issue of this Certificate has not been forbidden by any Person authorized to forbid the Issue thereof.

Witness my Hand, this Day of May 185 .

(Signed) *John Cox,*
Superintendent Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the Day of 18 .

SCHEDULE (B.)

Form of Superintendent Registrar's Licence for Marriage.

I *A.B.*, Superintendent Registrar of the District of in the County of to *C.D.* of and *E.F.* of , send greeting:

WHEREAS you are minded, as it is said, to enter into a Contract of Marriage under the Provisions of an Act made in the Seventh Year

of the Reign of His Majesty King William the Fourth, intituled "An "Act for Marriages in England," and of an Act made in the First Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to explain and amend Two Acts passed in the last Session "of Parliament, for Marriages, and for registering Births, Deaths, "and Marriages in England," and of an Act made in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled "An "Act to provide for the Solemnization of Marriages in the District "in or near which the Parties reside," and of an Act made in the Year of Her Majesty Queen Victoria, Chapter [*here insert the Title of this Act*], or some or One of them, and you are desirous that the same may be speedily and publicly solemnized: And whereas you *C.D.* [*or* you *E.F.*] have made an Oath and subscribed a Declaration under your Hand [*or* have made a solemn Affirmation and subscribed a Declaration under your Hand], that you believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that you *C.D.* [*or* you *E.F.*] have [*or* the said *C.D.* [*or E.F.*] has] had your [*or* his *or* her] usual Place of Abode for the Space of Fifteen Days last past within the District of [ ], and that you *C.D.* [*or* you *E.F.*], or the said *C.D.* [*or E.F.*], not being a Widower [*or* Widow], are [*or* is] under the Age of Twenty-one Years, and that the Consent of *G.H.*, whose Consent to your [*or* his *or* her] Marriage is required by Law, has been obtained thereto [*or* that there is no Person whose Consent to such Marriage is necessary]: Now I do hereby grant unto you, the said *C.D.* and *E.F.*, full Licence, according to the Authority in that Behalf given to me by the above-recited Acts, or some or One of them, to proceed to solemnize such Marriage, and unto the Registrar of Marriages for the District of [*here insert the Name of the District in which the Marriage is to be solemnized, and also the Name of the Building in which the Marriage is to be solemnized if out of the District in which the Party giving the Notice resides,*] Licence to register such Marriage according to Law, provided that the said Marriage be duly solemnized in the Presence of the said Registrar and Two Witnesses within Three Calendar Months from the Day of [*insert here the Date of the Entry in the Notice Book of the Superintendent Registrar of the Notice of the intended Marriage*] in the [*here describe the Building in which such Marriage is to be solemnized*], between the Hours of Eight and Twelve in the Forenoon. Given under my Hand, this Day of 18 .

(Signed) *A.B.*,
Superintendent Registrar.

Dissenters Marriages.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Provisions of the Marriage Acts relating to Dissenters.

(*Prepared and brought in by Mr. Cheetham and Mr. Pellatt.*)

Ordered, by the House of Commons, *to be Printed,* 21 *May* 1855.

[Bill 142.]

Under 2 *oz.*

Dissenters Marriages Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Preamble.

No Notice of Marriage to be read or published before Poor Law Guardians, or to be transmitted to the Clerk of such Guardians; Sect. 1.

Marriage on Oath or Declaration of One of the Parties intending to marry; 2.

Clause A.—Notice of Marriage to be affixed to the Place of Worship where the Marriage without Licence is to be solemnized; 3.

No Notice of Marriage by Licence to be suspended in the Office of the Superintendent Registrar; 4.

In case of Marriage by Licence, Notice to be given to the Superintendent Registrar of only One District; 5.

Notice of Marriage may be given in Ireland, if One of the Parties reside there; 6.

In Cases of Marriage by Licence, Certificates of Notice may be given by the Superintendent Registrar after the Expiration of Twenty-four Hours after the Receipt of the Notice (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized; 7.

Form of Licence to marry; 8.

Mode of solemnizing a Marriage in a Place used for Religious Worship; 9.

Marriages by Certificate according to the Rites of the Church of England; 10.

Appointments of Registrars of Marriages to be subject to the Approval of the Registrar General; 11.

Clause F.—Registrar General to furnish to Secretary of Synagogue Marriage Register Books and Forms; 12.

Registrar of Marriages may appoint a Deputy; 13.

Clause C.—Proof of the Observance of this Act and of the recited Acts in certain Matters not necessary to the Validity of Marriages; 14.

Penalty on making false Oath or Declaration, or giving false Notices; 15.

Clause D.—In case of fraudulent Marriages the guilty Party to forfeit all Property accruing from the Marriage, as in 4 Geo. IV. c. 76.; —16.

Provisions as to existing Acts; 17.

Clause G.—Marriages of Quakers or Jews may be solemnized by Licence; 18.

Clause H.—Act not to extend to Ireland or Scotland; 19.

Clause E.—Commencement of Act; 20.

Schedules.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Provisions of the Marriage Acts relating to Dissenters.

[Note.—*The Clauses* A. *to* E. *were added in Committee, and Clauses* F., G., *and* H. *on Re-commitment.*]

WHEREAS an Act was passed in the Session holden in the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter Eighty-five, intituled "An Act for Marriages in England;" and another Act was passed in the First Year of the Reign of Her Majesty, Chapter Twenty-two, intituled "An Act to explain and amend Two Acts, passed in the last Session of Parliament, for Marriages, and for registering Births, Deaths, and Marriages in England;" and another Act was passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Seventy-two, intituled "An Act to provide for the Solemnization of Marriages in the District in or near to which the Parties reside:" And whereas it is expedient to alter and amend the Provisions of the said recited Acts, so far as is herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 6 & 7 W. 4. c. 85. 1 Vict. c. 22. 3 & 4 Vict. c. 72.

I. In case of any Party intending Marriage under the Provisions of any of the said recited Acts, no Notice of such intended Marriage shall No Notice of Marriage to be read or published

before Poor Law Guardians, or be transmitted to the Clerk of such Guardians.

shall be read or published before the Guardians of any Poor Law Union or Parish or Place, or be transmitted by any Superintendent Registrar to the Clerk of any such Guardians.

Marriage on Oath or Declaration of One of the Parties intending to marry.

II. In case of any Party intending Marriage under the Provisions of any of the said recited Acts, he or she shall, before any Certificate of Marriage shall be issued, take or make, before the Superintendent Registrar, Deputy Superintendent Registrar, or Registrar before whom he or she shall appear, an Oath, or solemn Affirmation in lieu of an Oath, accompanied by a written Declaration, (which Oath or solemn Affirmation the said Superintendent Registrar, Deputy Superintendent Registrar, or Registrar is hereby authorized to administer and receive,) that he or she believes that there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that One of the said Parties hath, for the Space of Fifteen Days immediately preceding such Oath or solemn Affirmation, had his or her usual Place of Abode and Residence within the District of such Superintendent Registrar, and when either of the Parties intending Marriage, and not being a Widow or Widower, shall be under the Age of Twenty-one Years, that the Consent of the Person or Persons whose Consent to such Marriage is by Law required has been given, or (as the Case may be) that there is no Person or Persons whose Consent to such Marriage is by Law required, but no Stamp Duty shall be chargeable upon or in respect of any Affidavit or Declaration made to procure such Certificate of Marriage as aforesaid.

Clause A. Notice of Marriage to be affixed to the Place of Worship where the Marriage without Licence is to be solemnized.

III. In case of any Party intending Marriage without Licence, under the Provisions of any of the said recited Acts, the Superintendent Registrar within whose District the said Marriage is intended to be solemnized shall, within Three Days after the Notice of such Marriage shall have been received by him, cause a Copy of the Notice to be affixed at or near the Door of the Church, Chapel, or Place of Worship in which such Marriage is intended to be solemnized; provided, that in case of the Marriage being intended to be solemnized under the Provisions of the Act passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Seventy-two, then a Copy of the Notice of Marriage shall be sent by the Superintendent Registrar receiving such Notice whose District is nearest to the Place of Worship within which the said Marriage is intended to be solemnized to the Superintendent Registrar of the District within which the said Place of Worship is situate, who shall affix the said Copy as aforesaid.

No Notice of Marriage by Licence to

IV. In case of any Party intending Marriage by Licence, under the Provisions of any of the said recited Acts, no Notice of such intended

intended Marriage shall be suspended in the Office of the Superintendent Registrar, but any Party so intending Marriage by Licence under the Provisions of any of the said recited Acts shall be entitled to declare in Writing under his or her Hand, by Subscription or Endorsement on the Notice of such intended Marriage, that such Marriage is intended to be celebrated by Licence.

be suspended in the Office of the Superintendent Registrar.

V. In every such Case of Marriage intended to be solemnized by Licence under the Provisions of any of the said recited Acts or of this Act between Parties respectively dwelling in the Districts of Two different Superintendent Registrars, or between Parties one of whom is dwelling in the District of a Superintendent Registrar and the other is dwelling in Scotland or Ireland or in a foreign Country, it shall not be required that Notice of such intended Marriage shall be given to the Superintendent Registrar of each of such Districts, but a Notice to the Superintendent Registrar of One of such Districts shall be sufficient, or in the Case where One of the Parties shall be resident in Scotland or Ireland, or in a foreign Country, a Notice to the Superintendent Registrar of the District in England where the other Party resides shall be sufficient; and it shall not be required that the said Notice shall state how long each of the said Parties has resided in his or her Dwelling Place, but only how long the Party residing in the District in which the Notice is given has so resided.

In case of Marriage by Licence, Notice of Marriage to be given to the Superintendent Registrar of only One District.

VI. In every Case in which One of the Parties intending Marriage without Licence under the Provisions of this Act shall dwell in Ireland, the Party so dwelling in Ireland shall give Notice in the Form there used in that Behalf or to the like Effect to the Registrar of the District in Ireland within which such Party shall have dwelt for not less than Seven Days then next preceding, and shall state therein the Name and Surname and the Profession or Condition and Age of each of the Parties intending Marriage, and also the Dwelling Place of each of them, and the Time, not being less than Seven Days, during which he or she shall have dwelt therein, and also the Church or other Building in which the Marriage is to be solemnized; provided, that if either Party shall have dwelt in the Place stated in the Notice as his or her Dwelling Place more than One Month, it may be stated that he or she hath dwelt therein One Month and upwards; and such Notice shall be dealt with in the Manner and such Certificate for Marriage shall be given by such Registrar in the Mode respectively prescribed in an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty-one, intituled "An Act for Marriages in Ireland, " and for registering such Marriages," as amended by another Act passed in the Session holden in the Ninth and Tenth Years of the same

Notice of Marriage without Licence may be given in Ireland, if One of the Parties reside there.

same Reign, Chapter Seventy-two, intituled "An Act to amend "the Act for Marriages in Ireland, and for registering such Marriages;" provided, that in such Case the Certificate for Marriage shall not be issued before the Expiration of Twenty-one Days next after the Day of the Entry of such Notice, as in the first of the said Two last-mentioned Acts is provided; and from and after the issuing of such Certificate the Production of the same to any Person duly authorized under the Provisions of this Act to solemnize a Marriage shall be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in England would be under any or either of the said Three firstly herein-before recited Acts if the Party giving such Notice were resident within such District, and the other Party to such intended Marriage were also resident within another Superintendent Registrar's District in England.

In Cases of Marriage by Licence, Certificates of the Notice thereof may be given by the Superintendent Registrar after the Expiration of 24 Hours after the Receipt of the Notice (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized.

VII. Every Superintendent Registrar receiving Notice of an intended Marriage to be solemnized by Licence as aforesaid shall, after entering such Notice in his "Marriage Notice Book," issue under his Hand, upon the Request in Writing of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in Schedule (A.) to this Act annexed, and also a Licence to marry, provided no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar within Twenty-four Hours after he shall have received the Notice of the said intended Marriage as aforesaid, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months of the giving of such Notice the intended Marriage may be solemnized under the Authority of the said Licence.

Form of Licence to marry.

VIII. The Form of a Licence for Marriage so to be granted as aforesaid to any Party or Parties by the Superintendent Registrar of any District as aforesaid shall be in the Form or to the Effect of the Licence set forth in Schedule (B.) to this Act annexed; and for every such Licence the Superintendent Registrar granting the same shall be entitled to have and receive of the Party requiring the same the Sum of One Pound Fifteen Shillings, over and above the Amount paid for the Stamps necessary on granting such Licence.

IX. No

Mode of solemnizing a Marriage in a Place used for Religious Worship.

IX. No Marriage solemnized in pursuance of the Provisions of any of the said recited Acts or of this Act shall be solemnized in any Church or Chapel of the United Church of England and Ireland without the Consent of the Minister of such Church or Chapel, or in any Registered Building in any Manner except in accordance with the Usage of the Religious Body by whom the same Building may be used for Religious Worship, if any Religious Service is used at the Time of the Solemnization of the Marriage or at any Time or in any Manner to the Interruption or Disturbance of the Religious Worship or Instruction therein, during the usual Hours appropriated thereto, in the said Building, or without the written Consent of the Minister, or of the Trustees or One of the Trustees, or of the Owners or One of the Owners, or of the Deacons or One of the Deacons, or the Managers or One of the Managers for the Time being of the said Building for that Purpose obtained.

Marriages by Certificate according to the Rites of the Church of England.

X. Where any Marriage shall be intended to be had and solemnized under the Provisions of any or either of the said Three firstly herein-before recited Acts, on the Production of the Superintendent Registrar's Certificate, according to the Rites of the Church of England, the Church or Chapel wherein any such Marriage shall be so solemnized shall be that of a Parish or Ecclesiastical District lying wholly or partly within the District of the Superintendent Registrar by whom such Certificate as aforesaid shall have been issued, and shall also be the Church or Chapel of the Parish or Ecclesiastical District within which One of the Parties to such Marriage resides.

Appointment of Registrars of Marriages to be subject to the Approval of the Registrar General.

XI. Every Appointment to be hereafter made by any Superintendent Registrar of any Person or Persons to be a Registrar or Registrars for the Purpose of being present at Marriages to be solemnized under and by virtue of any or either of the said recited Acts or of this Act shall be by Writing under the Hand of such Superintendent Registrar, and shall be subject to the Approval of the Registrar General.

Clause F. Registrar General to furnish to Secretary of Synagogue Marriage Register Books and Forms.

XII. The Registrar General shall furnish or cause to be furnished to every Person whom Twenty Householders shall certify in Writing under their Hands to the Registrar General to be the Secretary of a Synagogue in England of Persons professing the Jewish Religion, which has been used by such Householders during One Year at the least as their usual Place of public Religious Worship, a sufficient Number in Duplicate of Marriage Register Books, and Forms for certified Copies thereof; and every Secretary of a Synagogue to whom such Books and Forms shall be furnished under this Act shall perform the same Duties in relation to the

Registration of Marriages between Persons professing the Jewish Religion as under an Act passed in the Session of Parliament held in the Sixth and Seventh Years of His late Majesty King William the Fourth, Chapter Eighty-six, intituled "An Act for registering "Births, Deaths, and Marriages in England," are to be performed by the Secretary of a Synagogue to whom Marriage Register Books and Forms for certified Copies thereof have been or shall be furnished under that Act.

Registrar of Marriages may appoint a Deputy.

XIII. Every Registrar of Marriages already appointed or hereafter to be appointed shall be and he is hereby empowered, subject to the Approval of the Registrar General, to appoint, by a Writing under his Hand, a fit Person to be and to act as his Deputy, whensoever he may be authorized or required so to do, by any Regulation to be made by the Registrar General; and every such Deputy, while so acting, shall have all the Powers and Duties and be subject to all the Provisions and Penalties in the said recited Acts or any or either of them given, imposed, and contained concerning Registrars of Marriages; and every such Deputy shall hold his Office during the Pleasure of the Registrar by whom he was appointed, but shall be removable by the Registrar General; and every Registrar of Marriages shall be civilly responsible for the Acts and Omissions of his Deputy; and in case any Registrar of Marriages shall die, or otherwise cease to hold his Office, his Deputy shall become the Registrar of Marriages in his Place until the Appointment of another Registrar of Marriages shall have been made, and notified to him by the Superintendent Registrar or by the Registrar General, and shall, while continuing such Registrar, have the same Powers and Duties and be subject to the same Provisions and Penalties as any other Registrar of Marriages under this Act.

Clause C. Proof of the Observance of this Act and of the recited Acts Matters not necessary to the Validity of Marriages.

XIV. After any Marriage shall have been solemnized under the Authority of this or of any of the recited Acts, it shall not be necessary in support of such Marriage to give any Proof of the actual Dwelling or of the Period of Dwelling of either of the Parties previous to the Marriage within the District stated in any Notice of Marriage, or of the Consent of any Person whose Consent thereto is required by Law, or of the Truth of the Facts authorized to be stated in the Notice of Marriage; nor shall any Evidence be given to prove the contrary in any Suit or legal Proceedings touching the Validity of such Marriage; nor shall the Validity of any Marriage, past or future, which has been or shall be solemnized under the Authority of this or any of the recited Acts, be affected by the Fact of the Place of Worship, if any, in which such Marriage has been or shall be solemnized not having been duly certified, recorded, or registered under the Provisions of any Act or Acts which may require the same.

XV. Any

Penalty on making false Oath or Declaration, or giving false Notices.

XV. Any Person who shall knowingly or wilfully make any false Oath, Affirmation, or Declaration, or sign any false Notice required by this Act, for the Purpose of procuring any Marriage, and every Person who shall forbid the granting by any Superintendent Registrar of a Licence for Marriage by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall suffer the Penalties of Perjury.

CLAUSE D. In case of fraudulent Marriages, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76.

XVI. If any valid Marriage shall be had under the Provisions of this or any of the recited Acts by means of any wilfully false Oath, solemn Affirmation, Notice, or Certificate, made or obtained by either Party to such Marriage, as to any Matter in which a solemn Affirmation, Declaration, Notice, or Certificate is required, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue for a Forfeiture of all the Estate and Interest in any Property accruing to the offending Party by such Marriage, and the Proceedings thereupon and the Consequences thereof shall be the same as are provided in the like Case with regard to Marriages solemnized by Licence between Parties under Age according to the Rites of the Church of England in the Statute passed in the Fourth Year of the Reign of His late Majesty, King George the Fourth, Chapter Seventy-six.

Provisions as to existing Acts.

XVII. Except where the Provisions of the said recited Acts are expressly altered by or are at variance with the Provisions of this Act, nothing herein contained shall alter, repeal, or affect, or be construed so as in any Manner to alter, repeal, or affect any of the several Provisions and Clauses contained in the same Acts or any of them, but, except as aforesaid, the same Provisions and Clauses respectively shall be and remain in full Force and Effect as if this Act had not been passed, and this Act shall, except as aforesaid, be considered as incorporated with the same Provisions and Clauses, and be construed in connexion therewith: Provided that, save as herein-after mentioned, none of the Provisions of this Act shall limit or alter, or be construed to limit or alter, the Privileges of Persons belonging to the Society of Friends commonly called Quakers, or of Persons professing the Jewish Religion, or impose on either of such Bodies any Obligations beyond such as are enacted in either of the said recited Acts.

CLAUSE G. Marriages of Quakers or Jews may be solemnized by Licence.

XVIII. Any Marriage according to the Usages of the Society of Friends commonly called Quakers or to the Usages of Persons professing the Jewish Religion respectively, where the Parties thereto are both Members of the said Society or both Persons professing the

Jewish Religion respectively, may be solemnized by Licence (which Licence the Superintendent Registrar to whom Notice of the intended Marriage shall have been given is hereby authorized to grant, in the Form or to the Effect set forth in Schedule (C.) to this Act annexed), as effectually in all respects as if such Marriage were solemnized after the Issue of a Certificate by such Superintendent Registrar in the Manner provided by said recited Acts or any of them; and the Provisions in this present Act contained in relation to the Affirmation or Oath and Declaration to be made by the Party intending Marriage, and to the Subscription or Endorsement on the Notice of such intended Marriage that such Marriage is intended to be celebrated by Licence, and to the Notice to be given of any such intended Marriage by Licence, and to the giving of Certificates in the Form or to the Effect set forth in Schedule (A.) to this Act, and to the Fee and Stamp to be paid for such Licence, shall be applicable in all respects to every such Marriage to be solemnized by Licence according to the Usages of the said Society or to the Usages of Persons professing the Jewish Religion respectively.

CLAUSE H. Act not to extend to Ireland or Scotland.

XIX. Save as herein expressly provided, this Act shall not extend to Ireland or Scotland.

CLAUSE E. Commencement of Act.

XX. This Act shall come into operation on the First Day of January One thousand eight hundred and fifty-six, and none of the Provisions thereof shall take effect previous to that Day.

SCHE-

SCHEDULE (A.)

Form of Superintendent Registrar's Certificate.

I, John Cox, Superintendent Registrar of the District of in the County of do hereby certify, That on the Day of 185 , Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties therein named and described, and of such Marriage being intended to be solemnized by Licence, under the Hand of John Smith, One of the Parties; (that is to say,)

Names of the Parties intending to be married.	Condition.	Rank or Station in Life.	Ages of the Parties.	Dwelling Places of the Parties.	Length of Residence of one of the Parties.	Building in which the Marriage is to be solemnized.	District and County in which the Party not giving the Notice dwells, when the Parties dwell in different Districts.
John Smith	*Widower*	*Carpenter*	*Of full Age.*	16, *High-st., Tunbridge.*	*Fifteen Days*	*Sion Chapel, West Street, Stepney, Middlesex.*	
Martha Green	*Spinster*		*Minor*	*Grove Farm, Stepney, Middlesex.*			*Stepney, Middlesex.*

Date of Entry of Notice, May 185 .
Date of Certificate given, May 185 .

The Issue of this Certificate has not been forbidden by any Person authorized to forbid the Issue thereof.

Witness my Hand, this Day of May 185 .

(Signed) *John Cox,*
Superintendent Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the Day of 18 .

SCHEDULE (B.)

Form of Superintendent Registrar's Licence for Marriage.

I *A.B.*, Superintendent Registrar of the District of in the County of to *C.D.* of and *E.F.* of , send greeting:

Whereas you are minded, as it is said, to enter into a Contract of Marriage under the Provisions of an Act made in the Seventh Year

of the Reign of His Majesty King William the Fourth, intituled "An "Act for Marriages in England," and of an Act made in the First Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to explain and amend Two Acts passed in the last Session "of Parliament, for Marriages, and for registering Births, Deaths, "and Marriages in England," and of an Act made in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled "An "Act to provide for the Solemnization of Marriages in the District "in or near which the Parties reside," and of an Act made in the Year of Her Majesty Queen Victoria, Chapter [*here insert the Title of this Act*], or some or One of them, and you are desirous that the same may be speedily and publicly solemnized: And whereas you *C.D.* [*or* you *E.F.*] have made an Oath and subscribed a Declaration under your Hand [*or* have made a solemn Affirmation and subscribed a Declaration under your Hand], that you believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that you *C.D.* [*or* you *E.F.*] have [*or* the said *C.D.* [*or E.F.*] has] had your [*or* his *or* her] usual Place of Abode for the Space of Fifteen Days last past within the District of [ ], and that you *C.D.* [*or* you *E.F.*], or the said *C.D.* [*or E.F.*], not being a Widower [*or* Widow], are [*or* is] under the Age of Twenty-one Years, and that the Consent of *G.H.*, whose Consent to your [*or* his *or* her] Marriage is required by Law, has been obtained thereto [*or* that there is no Person whose Consent to such Marriage is necessary]: Now I do hereby grant unto you, the said *C.D.* and *E.F.*, full Licence, according to the Authority in that Behalf given to me by the above-recited Acts, or some or One of them, to proceed to solemnize such Marriage, and unto the Registrar of Marriages for the District of [*here insert the Name of the District in which the Marriage is to be solemnized, and also the Name of the Building in which the Marriage is to be solemnized if out of the District in which the Party giving the Notice resides,*] Licence to register such Marriage according to Law, provided that the said Marriage be duly solemnized in the Presence of the said Registrar and Two Witnesses within Three Calendar Months from the Day of [*insert here the Date of the Entry in the Notice Book of the Superintendent Registrar of the Notice of the intended Marriage*] in the [*here describe the Building in which such Marriage is to be solemnized*], between the Hours of Eight and Twelve in the Forenoon. Given under my Hand, this Day of 18 .

(Signed) *A.B.*,
Superintendent Registrar.

SCHEDULE (C.)

Form of Superintendent Registrar's Licence for Marriage of Quakers and Jews.

I *A.B.*, Superintendent Registrar of the District of in the County of to *C.D.* of and *E.F.* of send greeting:

WHEREAS you are minded, as it is said, to enter into a Contract of Marriage under the Provisions of an Act made in the Seventh Year of the Reign of His Majesty King William the Fourth, intituled "An "Act for Marriages in England," and of an Act made in the First Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to explain and amend Two Acts passed in the last Session "of Parliament, for Marriages, and for registering Births, Deaths, "and Marriages in England," and of an Act made in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled "An "Act to provide for the Solemnization of Marriages in the District "in or near which the Parties reside," and of an Act made in the Year of Her Majesty Queen Victoria, Chapter [*here insert the Title of this Act*], or some or One of them, and you are desirous that the same may be speedily solemnized: And whereas you *C.D.* [*or* you *E.F.*] have made a solemn Affirmation and subscribed a Declaration under your Hand [*or* have made an Oath and subscribed a Declaration under your Hand], that you believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage; and that you *C.D.* [*or* you *E.F.*] have [*or* the said *C.D. or E.F.* has] had your [*or* his *or* her] usual Place of Abode for the Space of Fifteen Days last past within the District of ; and that you *C.D.* [*or* you *E.F.*], or the said *C.D.* [*or E.F.*], not being a Widower [*or* Widow], are [*or* is] under the Age of Twenty-one Years; and that the Consent of *G.H.*, whose Consent to your [*or* his *or* her] Marriage is required by Law, has been obtained thereto [*or* that there is no Person whose Consent to such Marriage is necessary]: Now I do hereby grant unto you, the said *C.D.* and *E.F.*, full Licence, according to the Authority in that Behalf given to me by the above-recited Acts or some or One of them, to proceed to solemnize such Marriage, and unto the Registering Officer of the Society of Friends for Meeting [*or* to the Secretary of Synagogue] Licence to register such Marriage according to Law, provided that the said Marriage be duly solemnized.

Dissenters Marriages.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To amend the Provisions of the Marriage Acts relating to Dissenters.

(*Prepared and brought in by Mr. Cheetham and Mr. Pellatt.*)

Ordered, by the House of Commons, *to be Printed,* 4 *July* 1855.

[Bill 220.]

Under 2 oz.

26 *April* 1855. 18 Vict.

A

BILL

TO

Enable the Commissioners of Her Majesty's Works and Public Buildings to provide additional Offices for the Public Service in or near Downing Street, Westminster.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act passed in the Session of Parliament holden in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to extend to Charing Cross, the Strand, and Places adjacent the Powers of an Act for making a more convenient Communication from Marylebone Park, and to enable the Commissioners of His Majesty's Woods, Forests, and Land Revenues to grant Leases of the Site of Carlton Palace," the Commissioners of His Majesty's Woods, Forests, and Land Revenues were empowered to purchase certain Houses, Tenements, and Hereditaments situate in the Parish of Saint Margaret within the Liberty of Westminster in the County of Middlesex; and the said Commissioners, in pursuance of the Powers so vested in them, purchased several Houses and Tenements on the South Side of Downing Street and North Side of Fludyer Street in the said Parish and County, and such Houses and Tene- Preamble. 7 G. 4. c. 77.

ments have been since taken down, and the Materials thereof removed, and the Sites thereof are now vacant: And whereas, with the view to provide further and better Accommodation for carrying on the Public Service of Her Majesty, it is necessary and expedient that the Sites of the said Houses and Tenements so purchased as aforesaid, and the further and additional Site herein-after mentioned, should be appropriated by the said Commissioners of Her Majesty's Works and Public Buildings for the Erection thereon by them of Offices and Buildings for the Public Service: And whereas a Map or Plan showing the Area proposed to be appropriated and used as a Site or Sites for the said new Offices and Buildings has been made, for the Purpose of being deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners of Works authorized to carry this Act into execution.

I. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings, as incorporated by an Act passed in the Session of Parliament holden in the Fifteenth Year of the Reign of Her present Majesty, Chapter Twenty-eight, and they are hereby authorized and empowered, to pull down and remove certain Houses and Tenements situate in the Parish of Saint Margaret Westminster in the County of Middlesex, within the Area herein-after described, that is to say, the Area bounded on the South by Lower Crown Street and Upper Crown Street, on the West in part by Duke Street and the Entrance from Duke Street into Saint James's Park, and on certain Part of the North and on other Part of the West by Saint James's Park, on other Parts of the North and West by Her Majesty's Colonial Office, on other Part of the North by the North Side of Downing Street, and on the East by Whitehall and by the West Side of King Street, and to appropriate the Sites of the said Houses and Tenements, and all the Ground lying within the Area herein-before described, and whether now used as Streets, Yards, or vacant Ground, or otherwise, as a Site or Sites for the Erection thereon of Offices and Buildings for the Public Service, and to carry the Purposes of this Act into execution in manner herein-after mentioned.

Plan to be deposited in the Office of Works, &c., and be open for Inspection.

II. The said Map or Plan, describing the Houses, Tenements, and Hereditaments on the Site or Sites of which the new Offices and Buildings for the Public Service are proposed to be erected and built, shall, when signed by the Commissioners for executing the Office of Lord High Treasurer, be deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings, and the Map

or

or Plan so deposited shall remain at the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, at their Will and Pleasure, paying the Sum of *One Shilling* for every such Inspection.

Certain Sections of 3 & 4 Vict. c. 87. incorporated with this Act.

III. For the Purposes of this Act, the following Sections of the Eighty-seventh Chapter of the Statutes made in the Session of Parliament held in the Third and Fourth Years of the Reign of Her Majesty Queen Victoria, being "An Act to enable Her Majesty's "Commissioners of Woods, Forests, Land Revenues, Works, and "Buildings to make additional Thoroughfares in the Metropolis," namely, Sections Eleven to Twenty-six, both inclusive, Sections Twenty-eight to Fifty-seven, both inclusive, and Sections Sixty-six to Seventy-five, both inclusive, shall be deemed to be herein repeated, with the Alterations necessary to make the same applicable to the said new Offices and Buildings for the Public Service authorized by this Act and to the said Commissioners of Her Majesty's Works and Public Buildings, and so that all Provisions in the said Act referring to or affecting any particular Commissioners of Sewers, or Persons or Bodies having the Control of any Sewers, shall be held to apply to the Commissioners or Body or Person or Persons having the Control or Management of the Sewers to which such Provisions became applicable.

Limitation of Time of purchasing Houses, &c.

IV. If the Commissioners of Her Majesty's Works and Public Buildings shall not within the Space of *Five* Years, to be computed from the passing of this Act, purchase or take the Tenements, Ground, and Hereditaments, or Parts thereof respectively, which they are empowered by this Act to purchase, take, and use as aforesaid, then and from thenceforth the compulsory Powers hereby granted to them for such Purpose only shall cease.

Application of Purchase Monies.

V. With respect to any Purchase Monies payable into the Bank of England under the Provisions of this Act, the same shall be paid to the Account of the Accountant General of the Court of Chancery, pursuant to the Method prescribed by an Act of the Twelfth Year of King George the First, intituled "An Act for better securing "the Monies and Effects of the Suitors of the Court of Chancery, "and to prevent the counterfeiting of East India Bonds and Indorse- "ments thereon, and likewise Indorsements on South Sea Bonds," and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King George the Second, intituled "An Act to empower "the High Court of Chancery to lay out on proper Securities any "Monies, not exceeding a Sum therein limited, out of the common

12 G. 1. c. 32.

12 G. 2. c. 24.

" and general Cash in the Bank of England belonging to the " Suitors of the said Court, for the Use of the said Suitors, by " applying the Interest arising therefrom for answering the " Charges of the Office of the Accountant General of the said " Court," in like Manner as Monies are by the said Act of the Third and Fourth Years of the Reign of Her present Majesty directed to be paid to the Account of the Accountant General of the Court of Exchequer, and such Monies shall be applied under the Direction of the Court of Chancery in like Manner as Monies are by the said Act directed to be applied under the Directions of the Court of Exchequer.

Monies payable to the Commissioners of Works, &c. to be paid over to the Paymaster General.

VI. All Monies payable to the Commissioners of Her Majesty's Works and Public Bulldings, under the Provisions of this Act, from the Sale of any Materials or otherwise, shall be paid to Her Majesty's Paymaster General or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt, unstamped, shall be a sufficient Discharge for the same to the Persons paying the same, and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the said Commissioners shall so direct.

Contracts by First Commissioner of Works to be valid.

VII. All Contracts in Writing made by the First Commissioner of Her Majesty's Works and Public Buildings, in the Execution of any of the Powers by this Act given to the said Commissioners of Her Majesty's Works and Public Buildings, shall be valid, and shall be binding on the said Commissioners as if the same had been under their Corporate Seal.

Short Title.

VIII. It shall be sufficient for all Purposes to cite this Act as "The Downing Street Public Offices Extension Act, 1855."

Downing Street Public Offices Extension.

A

BILL

To enable the Commissioners of Her Majesty's Works and Public Buildings to provide additional Offices for the Public Service in or near Downing Street, Westminster.

(*Prepared and brought in by Sir William Molesworth and Mr. Hayter.*)

Ordered, by The House of Commons, *to be Printed*, 26 *April* 1855.

[Bill 93.]

Under 1 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Enable the Commissioners of Her Majesty's Works and Public Buildings to provide additional Offices for the Public Service in or near Downing Street, Westminster.

[Note.—*The Clauses* A. *to* G. *and the Schedules were added by the Select Committee.*]

WHEREAS by an Act passed in the Session of Parliament holden in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to "extend to Charing Cross, the Strand, and Places adjacent the "Powers of an Act for making a more convenient Communication "from Marylebone Park, and to enable the Commissioners of His "Majesty's Woods, Forests, and Land Revenues to grant Leases of "the Site of Carlton Palace," the Commissioners of His Majesty's Woods, Forests, and Land Revenues were empowered to purchase certain Houses, Tenements, and Hereditaments situate in the Parish of Saint Margaret within the Liberty of Westminster in the County of Middlesex; and the said Commissioners, in pursuance of the Powers so vested in them, purchased several Houses and Tenements on the South Side of Downing Street and North Side of Fludyer Street in the said Parish and County, and thereupon the same

Preamble.

7 G. 4. c. 77.

became vested in the Crown as Part of the Land Revenue, and such Houses and Tenements have been since taken down, and the Materials thereof removed, and the Sites thereof are now vacant: And whereas, with the View to provide further and better Accommodation for carrying on the Public Service of Her Majesty, it is necessary and expedient that the Sites of the said Houses and Tenements so purchased as aforesaid, and the further and additional Site herein-after mentioned, should be appropriated by the Commissioners of Her Majesty's Works and Public Buildings for the Erection thereon by them of Offices and Buildings for the Public Service: And whereas a Map or Plan showing the Area proposed to be appropriated and used as a Site for the said new Offices and Buildings for the Public Service was made, for the Purpose of being deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings, and on such Map or Plan the Site originally intended to be appropriated and used for such Offices and Buildings is coloured Red, Brown, and Yellow: And whereas it has been determined to extend and enlarge the Area for the Site of such new Offices and Buildings as aforesaid, and for that Purpose to take and use, in addition to the said Ground and Buildings shown by the Colours Red, Brown, and Yellow on the said Map or Plan, certain other Ground and Buildings adjoining thereto, all of which said additional Ground and Buildings belong to Her Majesty, and form Part of the Hereditary Land Revenues of the Crown, and are shown by the Colour Blue on the said Map or Plan: And whereas, under and by virtue of an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, Chapter Eighty-seven, intituled "An Act to enable Her Majesty's Commissioners of Woods, "Forests, Land Revenues, Works, and Buildings to make additional "Thoroughfares in the Metropolis," and of another Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Forty-two, intituled "An Act to make better Provision for the Management of "the Woods, Forests, and Land Revenues of the Crown, and for the "Direction of Public Works and Buildings," certain Ground and Hereditaments situate and being in the Parishes of Saint Giles in the Fields and Saint George Bloomsbury in the County of Middlesex were purchased and acquired by the Commissioners named in the said first-mentioned Act, and by the Commissioners of Her Majesty's Works and Public Buildings, for the Purposes of such Act, and such Ground, with the Messuages and other Buildings lately erected and built thereon, are now vested in the said last-mentioned Commissioners, in trust for the Consolidated Fund of Great Britain and Ireland, and the said Ground, Messuages, and other Buildings are described and set forth in the First Schedule hereto: And whereas

the

the Ground and Hereditaments belonging to Her Majesty, and forming Part of the Hereditary Land Revenues of the Crown, which will be required for the Purposes of such new Offices and Buildings for the Public Service, are described and set forth in the Second Schedule hereto, and are coloured Red and Blue on the before-mentioned Map or Plan: And whereas for the accomplishing the Purposes aforesaid it is intended that the Hereditaments described and set forth in the First Schedule hereto, and now vested in and belonging to the Commissioners of Her Majesty's Works and Public Buildings, in trust as aforesaid, should be vested in Her Majesty, Her Heirs and Successors, as Part of the Hereditary Land Revenues of the Crown, in exchange for the Hereditaments belonging to Her Majesty, and described and set forth in the Second Schedule hereto, to be vested in the Commissioners of Her Majesty's Works and Public Buildings, in trust for the Purposes of this Act, and that the Hereditaments described in the said First and Second Schedules respectively should be valued as herein-after mentioned, and any Difference in Value paid as herein-after is provided: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

CLAUSE A. Commissioners incorporated for the Purposes of the Act.

I. The Persons who for the Time being, under the Provisions of the Act passed in the Session of Parliament Fourteenth and Fifteenth Victoria, Chapter Forty-two, shall be Commissioners of Her Majesty's Works and Public Buildings, shall for the Purposes of this Act be and are hereby constituted a Corporation by the Name and Style of the Commissioners of Her Majesty's Works and Public Buildings, and by that Name shall have perpetual Succession, and use a Common Seal, to be by them from Time to Time altered as they think fit.

CLAUSE B. The Hereditaments in the Second Schedule to vest in the Commissioners of Works.

II. From and after the passing of this Act, the said Hereditaments mentioned and comprised in the Second Schedule to this Act, with their and every of their Rights, Members, and Appurtenances, and the Freehold and Inheritance of the same in Fee Simple, shall (subject to the Leases or Agreements for Leases in the said Second Schedule to this Act mentioned or referred to) be and the same are by this Act vested in the Commissioners of Her Majesty's Works and Public Buildings so hereby incorporated as aforesaid, their Successors and Assigns, for ever, who shall be deemed in Law to be in the actual Seisin and Possession thereof, subject to the Leases or Agreements for Leases mentioned in the said Second Schedule, and with the same Power of Recovery of the Rents and compelling the Performance of

the Covenants in the said Leases or Agreements respectively reserved or contained, and on the Part of the Tenants to be paid and performed, as were possessed by Her Majesty immediately before the passing of this Act, but freed and discharged and absolutely exonerated of and from all former and other Estates, Rights, Titles, Uses, Trusts, Intents, and Purposes, Interests, Claims, and Demands heretofore created, limited, or declared of or affecting the same, in trust nevertheless for the Purposes of this Act: Provided always, that all Rents in arrear at the passing of this Act, or which shall accrue due in respect of the Hereditaments comprised in the said Second Schedule to this Act, up to the first quarterly or half-yearly Day of Payment of such Rents which shall first happen after the passing of this Act, shall be received by the Commissioners of Her Majesty's Works and Public Buildings, but shall be payable and paid by them to the Queen's Majesty, Her Heirs and Successors.

Clause C. The Hereditaments in the First Schedule to vest in the Crown.

III. From and after the passing of this Act, the Hereditaments mentioned and comprised in the First Schedule to this Act, with their and every of their Rights, Members, and Appurtenances, and the Freehold and Inheritance of the same in Fee Simple, shall (subject to the Leases or Agreements for Leases in the said First Schedule to this Act mentioned or referred to) be and the same are by this Act vested in the Queen's most Excellent Majesty, Her Heirs and Successors for ever, as Part and Parcel of the Hereditary Revenues of the Crown within the Order and Survey of the Court of Exchequer, who shall be deemed in Law to be in the actual Seisin and Possession thereof, subject to the Leases or Agreements for Leases mentioned in the said First Schedule, and with the same Power of Recovery of the Rents and compelling the Performance of the Covenants in the said Leases or Agreements respectively reserved or contained, and on the Part of the Tenants to be paid and performed, as were possessed by the said Commissioners of Her Majesty's Works and Public Buildings immediately before the passing of this Act, but freed and discharged and absolutely exonerated from all other Estates, Rights, Titles, Uses, Trusts, Intents, and Purposes, Interests, Claims, and Demands heretofore created, limited, or declared of or affecting the same: Provided always, that all Rents in arrear at the passing of this Act, or which shall accrue due in respect of the Hereditaments comprised in the said First Schedule to this Act, up to the first quarterly or half-yearly Day of Payment of such Rents which shall first happen after the passing of this Act, shall be received by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues on behalf of Her Majesty, but shall be payable and paid by them to the Commissioners of Her Majesty's Works and Public Buildings, in trust for the Consolidated Fund.

IV. Within

IV. Within Six Calendar Months from the passing of this Act a Valuation shall be made of the Hereditaments respectively comprised in the First and Second Schedules hereto, and for that Purpose it shall be referred to such Person as the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall for that Purpose nominate and appoint on the Part of Her Majesty, and to such Person as shall be nominated and appointed by and on the Part of the Commissioners of Her Majesty's Works and Public Buildings, to ascertain such Value; and in case the Referees so to be appointed as aforesaid shall not agree between themselves touching or concerning the Value of such Ground and Hereditaments respectively, then such Value shall be settled, ascertained, and determined by such competent Person as the said respective Referees shall, before they shall respectively proceed to the Consideration of the Matters so referred to them, by Writing under their Hands nominate to act as Umpire concerning the Premises; and the Award and Determination of such Referees or Umpire therein shall be final, binding, and conclusive to all Intents and Purposes whatsoever; and such Referees and Umpire are hereby respectively empowered to examine Witnesses upon Oath or Affirmation, if necessary, which Oath or Affirmation any One of the Persons so to be nominated a Referee or Umpire as aforesaid is hereby authorized and empowered to administer; and in case the Hereditaments comprised in the First Schedule hereto shall be of greater Value than the Hereditaments comprised in the Second Schedule hereto, then the Difference in Money shall be paid by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, out of any Monies which may have arisen from the Sale of any of the Land Revenues of the Crown, into the Consolidated Fund of Great Britain and Ireland; but in case the Hereditaments comprised in the said Second Schedule hereto shall be of more Value than the Hereditaments comprised in the said First Schedule hereto, then the Difference in Money shall be paid by the Commissioners of Her Majesty's Works and Public Buildings, out of any Monies which may be put at their Disposal for the Purposes of this Act, to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, to be by them applied to the same Purposes as Monies arising from the Sale of Estates belonging to the Crown are by an Act of the Tenth George Fourth, Chapter Fifty, directed to be applied.

CLAUSE D. The Hereditaments in the First and Second Schedules to be valued by Referees.

V. The Piece of Ground and Buildings in the said Plan coloured Yellow (being Hereditaments which were purchased out of Monies from the Consolidated Fund or otherwise for the Public Service) shall from and after the passing of this Act be vested in the said Commissioners so hereby incorporated as aforesaid, their Successors and Assigns, for the Purposes of this Act.

CLAUSE E. The Ground and Buildings coloured Yellow on Plan to vest in the Commissioners of Works.

Commissioners of Works authorized to carry this Act into execution.

VI. It shall be lawful for the said Commissioners of Her Majesty's Works and Public Buildings, and they are hereby authorized and empowered, out of any Monies which may be appropriated by Parliament, and put at their Disposal for that Purpose, to purchase, as after provided or referred to, the Hereditaments in the Parish of Saint Margaret Westminster in the County of Middlesex mentioned and described in the Third Schedule to this Act, or such Part or Parts of the said Hereditaments not by this Act vested in the said Commissioners, and to pull down and remove the Buildings thereon when so purchased, and to appropriate the Sites of the said Buildings, and all the Ground and Buildings mentioned and described in the Second and Third Schedules to this Act, whether now used as Streets, Yards, or vacant Ground, or otherwise, as a Site for the Erection thereon of Offices and Buildings for the Public Service, and the necessary Accesses and Approaches to such Offices and Buildings, and to carry the Purposes of this Act into execution in manner herein mentioned.

Clause F. The new Buildings and Offices to be erected out of Monies to be appropriated by Parliament.

VII. The Buildings and Offices so to be erected as aforesaid shall be erected out of such Monies as may from Time to Time be appropriated by Parliament, and placed at the Disposal of the said Commissioners for that Purpose, and as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and all Hereditaments so to be purchased, and the Hereditaments so by this Act vested in the said Commissioners, shall be vested in them for the Public Service, and shall be subject to the Provisions of an Act passed in the Session of Parliament holden in the Fifteenth Year of the Reign of Her present Majesty, Chapter Twenty-eight, and in all respects as if the same had been acquired under the Provisions of that Act.

Plan to be deposited in the Office of Works, &c., and be open for Inspection.

VIII. The said Map or Plan, describing the Houses, Tenements, and Hereditaments on the Site or Sites of which the new Offices and Buildings for the Public Service are proposed to be erected and built, shall, when signed by the Commissioners for executing the Office of Lord High Treasurer, be deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings, and the Map or Plan so deposited shall remain at the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Certain Sections of 3 & 4 Vict. c. 87. incor-

IX. For the Purposes of this Act, the following Sections of the Eighty-seventh Chapter of the Statutes made in the Session of Parliament held in the Third and Fourth Years of the Reign of Her Majesty

Majesty Queen Victoria, being "An Act to enable Her Majesty's "Commissioners of Woods, Forests, Land Revenues, Works, and "Buildings to make additional Thoroughfares in the Metropolis," namely, Sections Eleven to Twenty-six, both inclusive, Sections Twenty-eight to Fifty-seven, both inclusive, and Sections Sixty-six to Seventy-five, both inclusive, shall be deemed to be herein repeated, with the Alterations necessary to make the same applicable to the Purposes of this Act, and to the Commissioners hereby incorporated, instead of the Commissioners by that Act incorporated, and so as to enable the Commissioners hereby incorporated to carry into effect the Purposes of this Act; and all Provisions in the said Act referring to or affecting any particular Commissioners of Sewers, or Persons or Bodies having the Control of any Sewers, shall be held to apply to the Commissioners or Body or Person or Persons having the Control or Management of the Sewers to which such Provisions became applicable. porated with this Act.

X. If the Commissioners of Her Majesty's Works and Public Buildings shall not within the Space of Five Years, to be computed from the passing of this Act, purchase or take the Tenements, Ground, and Hereditaments, or Parts thereof respectively, which they are empowered by this Act to purchase, take, and use, in pursuance of the Provisions hereby referred to, then and from thenceforth the compulsory Powers hereby granted to them for such Purpose shall cease. Limitation of Time of purchasing Houses, &c.

XI. With respect to any Purchase Monies payable into the Bank of England under the Provisions of this Act, the same shall be paid to the Account of the Accountant General of the Court of Chancery, pursuant to the Method prescribed by an Act of the Twelfth Year of King George the First, intituled "An Act for better securing "the Monies and Effects of the Suitors of the Court of Chancery, "and to prevent the counterfeiting of East India Bonds and Indorse-"ments thereon, and likewise Indorsements on South Sea Bonds," and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King George the Second, intituled "An Act to empower "the High Court of Chancery to lay out on proper Securities any "Monies, not exceeding a Sum therein limited, out of the common "and general Cash in the Bank of England belonging to the "Suitors of the said Court, for the Use of the said Suitors, by "applying the Interest arising therefrom for answering the "Charges of the Office of the Accountant General of the said "Court," in like Manner as Monies are by the said Act of the Third and Fourth Years of the Reign of Her present Majesty directed to be paid to the Account of the Accountant General of the Court of Application of Purchase Monies. 12 G. 1. c. 32. 12 G. 2. c. 24.

Exchequer; and such Monies shall be applied under the Direction of the Court of Chancery in like Manner as Monies are by the said Act directed to be applied under the Directions of the Court of Exchequer, with such Powers to the Court of Chancery with regard to Costs as by the said Act of the Third and Fourth Years of the Reign of Her present Majesty, Chapter Eighty-seven, were vested in the Court of Exchequer.

Monies payable to the Commissioners of Works, &c. to be paid over to the Paymaster General.

XII. All Monies payable to the Commissioners of Her Majesty's Works and Public Buildings, under the Provisions of this Act, from the Sale of any Materials or otherwise, shall be paid to Her Majesty's Paymaster General or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt, unstamped, shall be a sufficient Discharge for the same to the Persons paying the same, and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the said Commissioners shall so direct.

Contracts by First Commissioner of Works to be valid.

XIII. All Contracts in Writing made by the First Commissioner of Her Majesty's Works and Public Buildings, in the Execution of any of the Powers by this Act given to the said Commissioners of Her Majesty's Works and Public Buildings, incorporated as aforesaid, shall be valid, and shall be binding on the said Commissioners as if the same had been under their Corporate Seal.

Clause G. Deeds to be enrolled in the Court of Exchequer.

XIV. Every Conveyance, Assignment, or other Deed or Instrument whereby any of the Hereditaments by this Act authorized to be purchased shall be conveyed or assigned to the Commissioners of Her Majesty's Works and Public Buildings, for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the said Commissioners of Her Majesty's Works and Public Buildings; and every such Conveyance, Assignment, or other Deed or Instrument, when so enrolled, shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be as good and available in Law, and of the like Force and Effect in all respects, and to all Intents and Purposes, as if the same or a Memorial thereof had been registered in the Office appointed for registering Deeds and other Conveyances of Lands and Tenements in the County of Middlesex, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Short Title.

XV. It shall be sufficient for all Purposes to cite this Act as "The Downing Street Public Offices Extension Act, 1855."

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE No. 1.

Name of Lessee.	Premises.		Annual Rent. £ s. d.	Date of Lease.	Term granted.	Expiration of Lease.
		No.				
Sir Henry Meux and Co. -	A Messuage on the South Side of Oxford Street - - -	441	50 0 0	14th October 1854 -	80 Years -	Lady-day 1925.
John Hill - - -	Ditto - - -	442	35 0 0	Agreement dated 14th April 1845. Lease not yet granted.	80 Years -	Lady-day 1925.
Idem - - -	Ditto - - -	443	32 0 0			
Idem - - -	Ditto - - -	444	35 0 0			
Idem - - -	Ditto - - -	445	24 10 0			
George Healey - -	Ditto - - - -	446	205 0 0 including Nos. 449 & 450	Lease not yet granted	80 Years -	Lady-day 1925.
Idem - - -	Ditto - - -	447				
George Plum - - -	Ditto - - -	448	55 10 0	12th September 1850	80 Years -	Lady-day 1925.
George Healey - -	Ditto - - -	449	See Nos. 446 and 447 above.	—	—	—
Idem - - -	Ditto - - -	450				
John Todd Merrick - -	A Factory behind Houses on the South Side of Oxford Street -	—	79 0 0	22d January 1846 -	80 Years -	Lady-day 1925.
Charles Pitt Barclay -	A Messuage on the South Side of Oxford Street - - - (Corner of the new Street leading to St. Giles's Church).	451	10 0 0	11th December 1845	80 Years -	Lady-day 1925.
John Todd Merrick - -	Ditto, 2d East from ditto -	452	70 0 0	22d December 1845 -	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 3d ditto - -	453	70 0 0	20th December 1845	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 4th ditto - -	454	70 0 0	19th December 1845	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 5th ditto - -	455	70 0 0	18th December 1845	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 6th ditto - -	456	70 0 0	17th December 1845	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 7th ditto - -	457	12 0 0	28th July 1846 -	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 8th ditto - -	458	12 0 0	29th July 1846 -	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 9th ditto - -	459	70 0 0	30th July 1846 -	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 10th ditto - -	460	70 0 0	31st July 1846 -	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 11th ditto - -	461	70 0 0	1st August 1846 -	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 12th ditto - -	462	70 0 0	3d August 1846 -	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 13th ditto - -	463	95 0 0	4th August 1846 -	80 Years -	Lady-day 1925.
Idem - - -	Ground and Premises in the Rear of Messuages South Side of Oxford Street - - -	—	2 0 0	28th July 1853 -	80 Years -	Lady-day 1925.

Name of Lessee.	Premises.	Annual Rent.	Date of Lease.	Term granted.	Expiration of Lease.
John Todd Merrick	Ground and Premises in the Rear of Messuages South Side of Oxford Street — No. —	£ 0 s. 12 d. 0	28th July 1853	80 Years	Lady-day 1925.
Samuel Rowe Brooking	A Messuage on the South Side of Oxford Street (2d House Westward from George Street.) — 464	37 15 0	1st December 1845	80 Years	Lady-day 1925.
Idem	Ditto, Corner of Oxford Street and George Street — 465	37 15 0	2d December 1845	80 Years	Lady-day 1925.
Joseph and William Bennett	Ditto, Corner of Bloomsbury Street — 467	40 0 0	27th December 1847	80 Years	Christmas 1926.
Idem	Ditto, 2d East from ditto — 468	20 0 0	30th December 1847	80 Years	Christmas 1926.
Fanny Ann Bell	Ditto, 3d ditto (Crown Public House) — 469	60 0 0	19th August 1848	36 Years	Christmas 1880.
Sir Henry Meux and Co.	Ditto, 4th ditto — 470	47 0 0	19th August 1848	80 Years	Lady-day 1925.
Joseph and William Bennett	Ditto, 2d House Westward from the Corner House of Oxford Street and Thorney Street — 471	30 0 0	29th December 1847	80 Years	Christmas 1926.
Idem	Ditto, 1st House Westward from ditto — 472	30 0 0	28th December 1847	80 Years	Christmas 1926.
Idem	Ditto, Corner House of Oxford Street and Thorney Street — 473	40 0 0	24th December 1847	80 Years	Christmas 1926.
Hugh Welch Cooper	Messuage on the South Side of Oxford Street — 480	35 0 0	22d November 1849	80 Years	Michaelmas 1926.
Idem	Ditto, 2d East from ditto — 481	35 0 0	27th November 1849	80 Years	Michaelmas 1926.
Idem	Ditto, 3d ditto — 482	30 0 0	26th November 1849	80 Years	Michaelmas 1926.
Idem	Ditto, 4th ditto — 483	30 0 0	23d November 1849	80 Years	Michaelmas 1926.
Idem	Ditto, Corner of the North Side of Hyde Street — 484	25 0 0	24th November 1849	80 Years	Michaelmas 1926.
Idem	A Messuage at the Corner or East Side of Museum Street and Hyde Street Bloomsbury — 53	20 0 0	22d November 1849	80 Years	Michaelmas 1926.
Thomas Probyn	A Messuage on the North Side of Holborn (Compasses Public House) — 146	80 0 0	21st October 1845	60 Years	Lady-day 1905.
Robert Cox	A Messuage on the South Side of Oxford Street, 3d West from Holborn — 492	40 0 0	16th April 1846	80 Years	Lady-day 1925.
Idem	Ditto, 2d ditto Westward from Holborn — 493	70 0 0	18th April 1846	80 Years	Lady-day 1925.

Idem - - -	Ditto, Corner of Holborn - 494	51 10 0	17th April 1846 -	80 Years -	Lady-day 1925.
John Swaine - - -	Ditto, North Side of Oxford Street (North-west Corner of Bury Place) - - 495	52 8 0	27th January 1847 -	80 Years -	Lady-day 1926.
Richard Hodge - -	Ditto, 2d West from ditto - 496	90 0 0	8th August 1850 -	80 Years -	Lady-day 1926.
Idem - - - -	Ditto, 3d ditto - 497	87 12 6	11th November 1848	80 Years -	Lady day 1926.
Idem - - - -	Ditto, 4th ditto - 498	79 12 0	28th July 1849 -	76¾ Years -	Lady-day 1926.
Kensington, Lewis - -	Ditto - - - - 504	110 0 0	14th April 1852 -	80 Years -	Lady-day 1925.
—	And a Messuage in the Rear thereof, No. 7, Hart Street - -	—	—	—	—
Idem - - - -	Ditto - - - 505	106 0 0	14th April 1852 -	80 Years -	Lady-day 1925.
—	And a Messuage in the Rear thereof, No. 6, Hart Street - -	—	—	—	—
Idem - - - -	Ditto, 3d East from Hart Street 506	105 0 0	10th December 1849	80 Years -	Lady-day 1925.
Samuel Rowe Brooking -	Ditto, 2d ditto - 507	80 0 0	24th February 1846 -	80 Years -	Lady-day 1925.
Idem - - - -	Ditto, Corner of Hart Street - 508	80 0 0	23d February 1846 -	80 Years -	Lady-day 1925.
Joseph and William Bennett -	Ditto, North-west Corner of Oxford Street and Duke Street - - - 516	55 0 0	16th June 1846 -	80 Years -	Lady-day 1925.
Idem - - - -	Ditto, 9th Eastward from Bloomsbury Street - 517	49 19 0	15th June 1846 -	80 Years -	Lady day 1925.
Idem - - - -	Ditto, 8th ditto - 518	40 0 0	13th June 1846 -	80 Years -	Lady-day 1925.
Idem - - - -	Ditto, 7th ditto - 519	40 0 0	12th June 1846 -	80 Years -	Lady-day 1925.
Idem - - - -	Ditto, 6th ditto - 520	40 0 0	11th June 1846 -	80 Years -	Lady-day 1925.
Idem - - - -	Ditto, 5th ditto - 521	50 0 0	10th June 1846 -	80 Years -	Lady-day 1925.
Idem - - - -	Ditto, 4th ditto - 522	45 0 0	9th June 1846 -	80 Years -	Lady-day 1925.
Idem - - - -	Ditto, 3d ditto - 523	40 0 0	8th June 1846 -	80 Years -	Lady-day 1925.
Idem - - - -	Ditto, 2d ditto - 524	45 0 0	6th June 1846 -	80 Years -	Lady-day 1925.
Idem - - - -	Ditto, North-east Corner of Oxford Street and Bloomsbury Street - - - 525	45 0 0	17th June 1846 -	80 Years -	Lady-day 1925.
William Kitchen - -	Ditto, Corner of the West Side of George Street - - 533	156 0 0	29th June 1848 -	80 Years -	Christmas 1925.
John Todd Merrick - -	Ditto, 2d West from ditto - 534	50 0 0	31st October 1849 -	80 Years -	Michaelmas 1928.
George Dodd - - -	Ditto, 3d ditto - 535	5 0 0	17th August 1849 -	80 Years -	Michaelmas 1928.
Idem - - - -	Ditto, 4th ditto - 536	5 0 0	9th August 1850 -	80 Years -	Michaelmas 1928.
Idem - - -	A Messuage on the North Side of Oxford Street, 5th West of George Street - - - 537	5 0 0	10th August 1850 -	80 Years -	Michaelmas 1928.
Idem - - - -	Ditto, 6th ditto - 538	5 0 0	12th August 1850 -	80 Years -	Michaelmas 1928.
Idem - - - -	Ditto, 7th ditto - 539	5 0 0	17th August 1849 -	80 Years -	Michaelmas 1928.

Name of Lessee.	Premises.	No.	Annual Rent. £ s. d.	Date of Lease.	Term granted.	Expiration of Lease.
John Todd Merrick - -	A Messuage on the North Side of Oxford Street, 8th West of George Street - - - -	540	50 0 0	13th December 1849	80 Years -	Michaelmas 1928.
Idem - - - -	Ditto, 9th ditto -	541	50 0 0	12th December 1849	80 Years -	Michaelmas 1928.
Idem - - - -	Ditto, 10th ditto -	542	50 0 0	11th December 1849	80 Years -	Michaelmas 1928.
Idem - - - -	Several Messuages forming the Arcade behind Nos. 534 to 540 on the North Side of Oxford Street -	–	275 0 0	1st March 1851 -	80 Years -	Michaelmas 1928.
William and George Law -	A Messuage on the North Side of Oxford Street, 7th East of Bainbridge Street - - -	544	100 0 0	2d November 1854 -	80 Years -	Michaelmas 1928.
Robert Archbutt - -	Ditto, 6th ditto -	545	42 0 0	24th April 1846 -	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 5th ditto -	546	63 0 0	25th April 1846 -	80 Years -	Lady-day 1925.
Thomas Archbutt - -	Ditto, 4th ditto -	547	52 10 0	24th April 1846 -	80 Years -	Lady-day 1925.
Idem - - -	Ditto, 3d ditto -	548	52 10 0	23d April 1846 -	80 Years -	Lady-day 1925.
Idem - - - -	Ditto, 2d ditto -	549	52 10 0	22d April 1846 -	80 Years -	Lady-day 1925.
Samuel Archbutt - -	Ditto - - - -	550	52 10 0	22d April 1846 -	80 Years -	Lady-day 1925.
Joseph and William Bennett -	A Messuage on the East Side of Bloomsbury Street, 2d South from Oxford Street - - -	–	20 0 0	31st December 1847 -	80 Years -	Christmas 1926.
William Acocks - -	Ditto, 3d from ditto - -	–	60 0 0	9th March 1850 -	40 Years -	Michaelmas 1888.
Samuel Morton Peto - -	A Chapel and Schoolhouse on the West Side of Bloombsbury Street	–	200 0 0	31st July 1848 -	80 Years -	Lady-day 1927.
Mary Ann Wright - -	A Messuage in Hyde Street, Bloomsbury, the Bull's Head Public House - - - -	26	70 0 0	30th August 1848 -	21 Years -	Lady day 1876.
Thomas Arthur Edwards -	A Messuage No. 145 in High Holborn	–	28 0 0	25th April 1853 -	14 Years -	Lady-day 1866.
William Hersee - -	A Messuage at the Corner of High Holborn and Broad Street -	–	80 0 0	3d July 1854 -	80 Years -	Lady-day 1933.
Idem - - - -	A Messuage on the West Side of Bloomsbury Street, being the 2d House Northward from Broad Street - - - -	–	55 0 0	3d July 1854 -	80 Years -	Lady-day 1933.
Idem - - - -	Ditto, 3d ditto -	–	15 0 0	18th August 1854 -	80 Years -	Lady-day 1933.
Idem - - - -	Ditto, 4th ditto -	–	15 0 0	18th August 1854 -	80 Years -	Lady-day 1933.
Idem - - - -	Ditto, 5th ditto -	–	15 0 0	18th August 1854 -	80 Years -	Lady-day 1933.
Idem - - - -	Ditto, 6th ditto -	–	15 0 0	18th August 1854 -	80 Years -	Lady-day 1933.
Herbert Sturmey - -	Ditto, 7th ditto -	–	15 0 0	18th August 1854 -	80 Years -	Lady-day 1933.

SCHEDULE No. 2.

Downing Street.

Tenant.	Situation.	Tenure.	Amount of Rent.
			£ s. d.
Secretary of State for Colonial Affairs.	Two Messuages in Downing Square.	Yearly Tenancy at 20*l.* per Annum, less Land Tax 4*l.*	16 0 0
Secretary of State for Foreign Affairs.	Three Messuages in Downing Street and Downing Square, and Two Messuages Nos. 5 and 6 Fludyer Street.	Yearly Tenancy at 1,400*l.* per Annum.	1,400 0 0
Henry Doughty -	A Messuage in Crown Street	Lease for Fifty-six Years and a Half from 5th April 1809 at 32*l.* 3*s.* 6*d.*	32 3 6
William Ross - -	Ditto - -	Ditto - -	37 12 0
Catherine Barnes -	Ditto - -	Lease for Sixty-one Years from 10th October 1812.	37 2 0
Chancellor of the Exchequer.	Two Messuages in Downing Square.	—	—
First Lord of the Treasury.	Ditto.	—	—
The Lords of the Treasury.	Part of the Yard of the Treasury Chambers.	—	—
—	Vacant Ground, Downing Street.	—	—
—	Vacant Ground between Crown Street and the South Parade.	—	—
—	The Site of Part of the Passage leading from Downing Street to St. James's Park.	—	—
—	The Site of Downing Street and Downing Square.	—	—

SCHE-

SCHEDULE No. 3.

The Parish of Saint Margaret in the City and Liberty of Westminster in the County of Middlesex.

No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Saint James's Park, South Parade.		
18	Dwelling House and Yard.	Sir Samuel Fludyer, Bart.	Edward Erskine Tustin.	Empty.
		Fludyer Street.		
8	Dwelling House and Yard.	Sir Samuel Fludyer, Bart.	Edward Erskine Tustin.	Edward Erskine Tustin.
10	Dwelling House and Yard.			Empty.
11	Dwelling House and Yard.		David Eaton -	David Eaton.
12	Dwelling House and Yard.		Henry Morrison -	Henry Morrison.
13	Dwelling House and Yard.		- - -	Jessie Beetson, Peter Thompson.
14	Dwelling House and Yard.		James Jackson -	Alexander Dalgleish.
15	Dwelling House and Yard.		- - -	Ann Law.
16	Dwelling House and Yard.		Thomas Jones, Margaret Jones.	Margaret Jones.
17	Dwelling House and Yard.		William Bowley -	James Dodds.
17			Hugh Hope -	John Borthwick Greig, Charles Sanderson, Hugh Hope.
18	Dwelling House and Yard.		Thomas Knox Holmes, James Anton, Walter Turnbull.	Thomas Knox Holmes, James Anton, Walter Turnbull.
19	Dwelling House and Yard.		Hugh Hope, Charles Waring.	Charles Waring.
20	Dwelling House and Yard.		William Wainewright	William Wainewright.
21	Dwelling House and Yard.		John Richardson, William Adam Lock, Dougald Maclaurin.	John Richardson, William Adam Lock, Dougald Maclaurin.
22	Dwelling House and Yard.		- - -	Alexander Gordon.
23	Dwelling House and Yard.		Thomas Deans -	Thomas Deans.

No. in Street.	Description of Property.	Owners, or reputed Owners.	Lessees, or reputed Lessees.	Occupiers.
–	Public Street - -	The Commissioners for paving and improving the Parishes of St. Margaret and St. John Westminster, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company.	- - -	The Public.
	King Street.			
–	Public Street -	The Commissioners for paving and improving the Parishes of St. Margaret and St. John Westminster, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company.	- - -	The Public.
6	Dwelling House, Shop, and Back Premises	The Dean and Chapter of St. Peter Westminster.	James Elyard, Edward Hoey.	Edward Hoey.
7	Dwelling House, Shop, back Premises, and Yard.		Thomas Denley -	Thomas Denley.
9	Public House called the "Anchor and Crown," with Yard, Workshops, and Premises in the Rear, and Right of Way to Yard in Say's Alley.		James Bigg, Joseph Carter Wood, George Garwood.	George Garwood.
10	Dwelling House, Shop, Workshops, Premises in the Rear, and Yard.	The Dean and Chapter of St. Peter Westminster, Joseph Gurney.	Edward Higgs, Hemdan Higgs.	Edward Higgs, Hemdan Higgs, Thomas Henry Harris.
11	Public House called the "Coach and Horses," with Yard, Outbuilding, Premises in the Rear, and back Entrance to Say's Alley.	The Dean and Chapter of St. Peter Westminster.	Eliza Fitzherbert Forssteen, John Carpenter.	John Carpenter.
12	Dwelling House, Shop, and Yard, and Passage to Say's Alley.	The Dean and Chapter of St. Peter Westminster.	Richard Whatley, John Stone, Elizabeth Wilmot Whatley.	David Moss.
12	Dwelling House, Shop, and Yard.		William Thomas Mackrell.	John Geesing.
14 and 1, Lower Crown Street.	Dwelling House, Shop, and Yard.			John Fisher.

No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Lower Crown Street.		
–	Public Street - -	The Commissioners for paving and improving the Parishes of St. Margaret and St. John Westminster, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company.	- - -	The Public.
2	Dwelling House and Yard.	The Dean and Chapter of St. Peter Westminster.	William Thomas Mackrell.	Charles Coote.
3	Dwelling House and Yard.			William Tiddy.
4	Dwelling House and Yard.			George Edward Bent.
5	Dwelling House and Yard.			Henry Welch.
6	Dwelling House and Yard.			Elizabeth Powell.
7	Dwelling House and Yard.			William Davies.
8	Dwelling House and Yard.			James Hallifax.
9	Dwelling House and Yard.			John Wadley.
10	Dwelling House and Yard.			William Eve.
11	Dwelling House and Yard.			Joel Bowditch.
12	Public House called the "Rose and Crown," with Yard.		Richard Whatley, John Stone, Elizabeth Wilmot Whatley, Henry William Miles, Edwin Walker.	Edwin Walker.
		Upper Crown Street.		
–	Public Street - -	The Commissioners for paving and improving the Parishes of St. Margaret and St. John Westminster, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company.	- - -	The Public.
57	Dwelling House, Yard, Stables, Coach-houses, Sheds, and Outbuildings.	The Dean and Chapter of St. Peter Westminster.	William Griffith -	George Dawson, Thomas Dicks Carter.

No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
14	Dwelling House and Yard.	The Dean and Chapter of St. Peter Westminster.	William Griffith	Sarah Pymm.
15	Dwelling House and Yard.			Frances Grant.
16	Dwelling House and Yard.		Eliza Fitzherbert Forssteen.	Robert Tyler.
17	Dwelling House and Yard.			Mark Kerslake.
18	Dwelling House and Yard.			John Searle.
		Crown Yard.		
1	Cottage and Yard	The Dean and Chapter of St. Peter Westminster.	Mary Ann Davis, William Inwood.	William Dawson.
2	Cottage and Yard			Samuel Janes.
		Say's Alley.		
–	Carpenters Shops, Stables, Coach-houses, and Sheds.	The Dean and Chapter of St. Peter Westminster.	Richard Whatley, John Stone, Elizabeth Wilmot Whatley, Henry William Miles.	Thomas Dicks Carter
2	Dwelling House, Coach-house, and Yard.		Eliza Fitzherbert Forssteen, James Bigg, Charles Payne.	Charles Payne and his weekly Tenants.
–	Stables, Coach-houses, Sheds, and Yard.		Eliza Fitzherbert Forssteen, James Bigg, Charles Payne, George Garwood.	Charles Payne and his weekly Tenants, George Garwood.
–	Public Way	The Commissioners for paving and improving the Parishes of St. Margaret and St. John Westminster, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company.		The Public.
		Duke Street.		
–	Public Street	The Commissioners for paving and improving the Parishes of St. Margaret and St. John Westminster, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company.		The Public.

No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Downing Street.		
–	Public Street - -	The Commissioners for paving and improving the Parishes of St. Margaret and St. John Westminster, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company.	- - -	The Public.
15 16	The Foreign Office	The Crown - -	- - -	The Crown.
–	Vacant Ground -			
		Saint James's Park, South Parade.		
–	Vacant Ground -	The Crown	- - -	The Commissioners of Metropolitan Police.
21	Dwelling House and Yard.		Henry Wood, Kenneth Macaulay.	Kenneth Macaulay.
20	Dwelling House and Yard.		William Pulteney Scott, Isambard Kingdom Brunel.	Isambard Kingdom Brunel, Joseph Bennett.
19	Dwelling House and Yard.		Elizabeth Morice, Peter Brophy.	Peter Brophy.

Downing Street Public Offices Extension.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To enable the Commissioners of Her Majesty's Works and Public Buildings to provide additional Offices for the Public Service in or near Downing Street, Westminster.

(*Prepared and brought in by Sir William Molesworth and Mr. Hayter.*)

Ordered, by The House of Commons, *to be Printed,* 10 *July* 1855.

[Bill 237.]

Under 3 oz.

A

B I L L

TO

Amend the Dublin Carriage Acts.

WHEREAS Doubts have arisen with respect to the Construction of the Dublin Carriage Act, 1853, and the Dublin amended Carriage Act, 1854, and it is expedient to remove such Doubts, and to amend the said Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, — Preamble.

I. That all the Enactments contained in the Dublin Carriage Act, 1853, and the Dublin amended Carriage Act, 1854, save in reference to the Sums directed to be paid for Licences and as annual Rents, in anywise relating to the Carriages therein designated as Hackney Carriages, or to the Persons therein designated and referred to as the Proprietors or Drivers thereof, shall be deemed and taken to apply to and include as well the Carriages by the said last-mentioned Act designated as Cabriolets, and the Proprietors and Drivers thereof, as the Carriages thereby designated as Hackney Carriages, and the Proprietors and Drivers thereof, anything in the said last-mentioned Acts to the contrary notwithstanding. Dublin Carriage Acts to apply to Cabriolets.

 II. The

Said Act and this Act to be construed together.

II. The said Acts and this Act shall be construed together as One Act.

Short Title.

III. In citing this Act in any other Act of Parliament, legal Instrument, or Proceeding whatever, it shall be sufficient to use the Expression "The Dublin amended Carriage Act, 1855."

Dublin Carriage Acts Amendment.

A

B I L L

To amend the Dublin Carriage Acts.

(*Prepared and brought in by Mr. Horsman and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 20 *June* 1855.

[Bill 182.]

Under 1 *oz.*

A

BILL

INTITULED

An Act to better enable the Chancellor and Council of the Duchy of Lancaster to sell and purchase Land on behalf of Her Majesty, Her Heirs and Successors, in right of the said Duchy of Lancaster.

Preamble.

WHEREAS it is expedient that the Chancellor and Council of the Duchy of Lancaster should be better enabled to sell Land belonging to the said Duchy which in the Judgment of the said Chancellor and Council shall be deemed not convenient to be held with other Possessions of the said Duchy, and to purchase Land which in the like Judgment shall be deemed convenient to be held with other Possessions of the said Duchy: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Chancellor and Council of Duchy of Lancaster enabled to sell and convey Land.

I. The Chancellor and Council of the Duchy of Lancaster for the Time being may from Time to Time contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for the Sale of and may absolutely make Sale and dispose of, for such Sum

Sum or Sums of Money as to the said Chancellor and Council shall appear a sufficient Consideration for the same, any Land belonging to Her said Majesty, Her Heirs or Successors, in right of the said Duchy, which in the Judgment of the said Chancellor and Council shall not be deemed convenient to be held with other Possessions of the said Duchy; and upon Payment of the Purchase Monies as hereinafter provided the said Chancellor and Council may grant and assure to the Purchaser or Purchasers, under the Seal of the said Duchy, in the Name of Her Majesty, Her Heirs or Successors, the Land agreed to be sold; and every such Grant or Assurance may be according to the Form marked X. set forth in the Schedule to this Act annexed, or in any other Form which may be deemed more convenient; and every such Grant or Assurance, being enrolled in the Court of the Duchy Chamber of Lancaster within Six Calendar Months from the Date thereof, shall be valid and sufficient to pass all the Right and Interest of Her said Majesty, Her Heirs or Successors, in and to the Land to which such Grant or Assurance shall relate, anything contained in the Act of Parliament passed in the First Year of the Reign of Her Majesty Queen Anne, Chapter Seven, or in any other Act, to the contrary in anywise notwithstanding.

Purchase Monies for Land sold to be paid to Receiver General of Duchy, and invested or applied as herein mentioned.

II. The Purchase Monies for Land sold by the said Chancellor and Council, under the Authority of this Act, shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, or of his sufficient Deputy or Deputies, and Receipts shall be given by him or them for the same, and the same either shall and may be invested in the Purchase of Bank Annuities, according to the Powers and Provisoes contained or referred to in the Act of Parliament passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, Chapter Seventy-three, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy, under the thereinrecited Acts, or the same or any Part thereof may, either without any previous Investment or after such, and either alone or together with any other Monies or Funds for the Time being belonging to the said Duchy of Lancaster, be laid out, according to the Provisions of the Act of Parliament passed in the Fifty-seventh Year of the Reign of His said Majesty King George the Third, Chapter Ninety-seven, or in the Purchase of Land under the Authority of this Act, as hereinafter provided; and the said Chancellor and Council shall for the Purposes of this Act have and be entitled to all such Powers and Provisions in reference to the Monies invested in Bank Annuities under this Act as under or by virtue of the said Act of the Fifty-seventh Year of the Reign of His said Majesty King George the Third they are entitled to concerning any Sums or Funds of or belonging

belonging to the said Duchy of Lancaster in the same Act particularly mentioned or referred to.

Contracts and Agreements for Purchases of Land may be made by Chancellor and Council, and valid Conveyances be made by them, to the Use of Her Majesty.

III. The said Chancellor and Council may from Time to Time contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for the Purchase of and may purchase any Land which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held with any Possession of the said Duchy, and the Land so agreed to be purchased shall be conveyed and assured to the Use of Her Majesty, Her Heirs or Successors, in right of the said Duchy of Lancaster, and shall vest in Her said Majesty, Her Heirs and Successors, in the same Right, and as fully and effectually, and be held with the like Incidents, as other Land belonging to the said Duchy; and every such Conveyance may be in the Form marked Y. in the said Schedule, or in any other Form which may be deemed more convenient.

8 & 9 Vict. c. 18. incorporated.

IV. The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act; but the said Chancellor and Council shall not purchase any Land otherwise than by Agreement.

Short Title of Act.

V. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The Duchy of Lancaster Lands Act, 1855."

SCHEDULE to which this Act refers.

X.

These Presents witness, That in consideration of the Sum of paid to *A.B.* the Receiver General of the Revenues of the Duchy of Lancaster, or his sufficient Deputy or Deputies, on behalf of Her Majesty, by *C.D.* as appears by the Receipt of the said Receiver General or his sufficient Deputy or Deputies, endorsed on these Presents, Her said Majesty, by and with the Advice and Consent of Her Chancellor and Council of Her said Duchy, doth by these presents grant and convey unto the said *C.D.* and his Heirs all [*describing Premises*], to have and to hold the same unto the said *C.D.* his Heirs and Assigns for ever.

In witness

Y.

These Presents witness, That in consideration of the Sum of Pounds paid to *A.B.* of by *C.D.* the Receiver General of the Revenues of the Duchy of Lancaster, or his sufficient Deputy or Deputies, on behalf of Her Majesty, he the said *A.B.* doth by these Presents convey and assure unto the said *C.D.* his Heirs and Assigns, all [*describing Premises*] to have and to hold the same unto the said *C.D.* his Heirs and Assigns, to the Use of Her said Majesty, Her Heirs and Successors, in right of Her said Duchy.

In witness

Duchy of Lancaster Lands (1855).

A

B I L L

INTITULED

An Act to better enable the Chancellor and Council of the Duchy of Lancaster to sell and purchase Land on behalf of Her Majesty, Her Heirs and Successors, in right of the said Duchy of Lancaster.

(*Brought from the Lords 25 June* 1855.)

Ordered, by The House of Commons, *to be Printed,*
25 *June* 1855.

[Bill 195.]

Under 1 *oz.*

(Scotland.)

A

BILL

TO

Facilitate the Erection of Dwelling Houses for the Working Classes in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons proposing to form Association for erecting or improving Dwelling Houses under Act to apply to Sheriff for his Sanction.

I. When any *Four* or more Persons associating for the Purpose of erecting new or improving already existing Dwelling Houses for the Working Classes in Scotland shall have subscribed the Amount of the whole Capital requisite for carrying out the contemplated Undertaking, and framed a Contract of Copartnery, containing Provisions for the Management of the Affairs of the Association, and Rules for the Upholding and Occupation of the Houses, and for letting and disposing of the same, it shall be lawful for such Persons to present a Petition to the Sheriff praying to have such Contract sanctioned by him and registered as after mentioned, provided that along with such Petition there shall be lodged the Plans and Specifications of the intended Erections or Improvements, and an Estimate of the Cost thereof, including the Cost of the Site and of the Buildings, if any, thereon.

Sheriff, if satisfied with Contract, Plans, &c. may interpone his Sanction and grant Warrant for recording the Contract and proceeding with the Undertaking

II. The Sheriff, after such Inquiry as he may deem necessary, if satisfied that the Provisions of the Contract of Copartnery and the Rules therein contained, either as originally framed or as altered or modified at his Sight, are suitable and proper, and consistent herewith and with Law, and that they sufficiently and properly provide for the Upholding, Management, and Disposal of the said Dwelling Houses, and also for the Occupation thereof, and securing against over-crowding; and that due and sufficient Means are provided in the said Plans and Specifications for the proper Ventilation, Drainage, and Sewerage of the intended Dwelling Houses and for the Supply of Water thereto, and that the Capital subscribed is sufficient for the Completion of the Undertaking, shall grant Warrant for the Erection or Improvement of the proposed Dwelling Houses, and for registering the said Contract in the Sheriff Court Books, and such Contract shall, on the Production to the Sheriff Clerk of a Deposit Receipt or Certificate showing that the subscribed Capital has been paid up and lodged in Bank for the Purposes of the Undertaking, be registered therein accordingly.

On Registration, the Members of the Association and their Successors to subsist as an Association for the Purposes of the Act, subject to only a limited Liability for Debts, &c.

III. On the Registration of the Contract as aforesaid, the then Shareholders or Members in any such Undertaking, and all succeeding Shareholders or Members, whilst Shareholders and Members, shall subsist as an Association by the Name or Title set forth in the Contract, for the following Purposes, namely, for acquiring, holding, and managing the Property and Effects of the Association in the Name or Title thereof, and for erecting or improving and afterwards upholding the Dwelling Houses described in the Specification and Plans, and for letting or disposing of such Dwelling Houses, and for sueing and being sued, and entering into Contracts in the Name or Title of the Association: Provided always, that the Shareholders and Members of the Association shall be liable for the Debts, Contracts, and Engagements thereof to the Extent only of their Shares in the Joint Stock of the Association or of their Interest in the said Dwelling Houses, which Joint Stock and Dwelling Houses, with the Dividends allocated to the Shareholders or Members which may be at the Time unpaid, shall be alone liable for the Debts and Engagements of the Association.

Association may acquire Property and Sheriff may grant Warrant for Erection of additional Dwelling Houses.

IV. Any such Association as aforesaid whose Contract may have been registered as herein-before provided, desirous of erecting or of acquiring and improving additional Dwelling Houses for the Purposes aforesaid, may at any Time, and from Time to Time, apply to the Sheriff by Petition accompanied by Plans, Specifications, and Estimates as herein-before provided in regard to the Dwelling Houses before mentioned for his Sanction and Warrant for the Erection or Improvement of such additional Dwelling Houses subject to the Rules

Rules and Provisions contained in such Contract; and the Sheriff, if satisfied that all the Conditions herein-before required in reference to Dwelling Houses to be erected or improved under the original Application by the Association have been fulfilled in reference to such additional Dwelling Houses, may interpone his Sanction to the Erection or Improvement of such additional Dwelling Houses, and grant his Warrant accordingly.

When Work duly executed Sheriff to declare so, and till then not lawful to let or dispose of Houses nor transfer Shares.

V. When the Buildings or Improvements set forth in the Plan and Specifications, whether under the original or any subsequent Petition by the Association, shall have been executed, the Sheriff shall, on Application by the Association, appoint the Dwelling Houses so erected or improved to be inspected at the Expense of the Association, and if satisfied that these have been duly executed in Terms of the Plans and Specifications, and on Proof that the Property of the said Dwelling Houses has been duly vested in the Association, free from Heritable Debt or Burden other than Feu Duty or Ground Annual, he shall pronounce an Interlocutor to that Effect, and until such Interlocutor shall have been pronounced, it shall not be lawful for the Association or its Members to let or dispose of any of the Dwelling Houses erected or improved by them, nor to assign or transfer any Share or Shares in such Association.

No Engagement lawful except for Purposes of Association or beyond Stock or Rents, and no Heritable Security to be granted over the Property.

VI. It shall not be lawful to nor in the Power of the Association to enter into any Engagement except for carrying into effect the Objects thereof, nor for that Purpose beyond the Capital subscribed, nor afterwards beyond the Rents derived from Tenants which may be realized at the Time; and the Association shall at no Time have Power to borrow Money upon, nor to grant Heritable Securities over, the Property belonging to them or otherwise to burden the same, nor shall the individual Members of such Association have Power to grant Heritable Securities, or otherwise burden any Lots or Portions of the said Property which may belong to them.

Short Form of Disposition to the Association.

VII. The Lands, Houses, or other Subjects to be acquired by the Association may and shall be effectually conveyed to the Association in its Society Name or Title by a Disposition or Conveyance, in the Form, as near as may be, of the Schedule (A.) to this Act annexed; and the recording of such Disposition or Conveyance in the General or Particular Register of Sasines shall be and is hereby declared to be equivalent to Infeftment in common Form, and the Association shall, by virtue of such Disposition, Conveyance, or other Writ duly recorded, be completely vested in the Subjects described therein, and shall continue vested therein during its Subsistence as an Association without the Necessity of any Renewal of the Investiture.

Rules in Contract to be Real Burdens on the Property.

VIII. The Rules anent the disposing of, letting, and Occupation of the said Dwelling Houses contained in the Contract registered as aforesaid, shall be Real Burdens on and affecting the said Houses and other Subjects of the Association, and it shall be competent to the Association, or the Procurator Fiscal, or the Owner or Occupant of any of the Lots or Portions of the Buildings, to enforce Observance of such Rules against any Owner or Occupant infringing the same.

Shares of Capital Stock to be deemed Moveable Estate.

IX. All Shares of the subscribed Capital Stock of such Association shall be held to be Moveable or Personal Estate.

Transfer of Shares.

X. All Transfers of such Shares shall be made and registered in the Manner prescribed by the Contract; and the Books in which the Names of the Shareholders, with their Designations and Places of Residence, and the Transfers of Shares are registered or entered, shall be open to Inspection to all Shareholders and others interested at such Times and on such Conditions as may be regulated by the Contract.

Contract may provide either that Houses may be held and let or that they may be disposed of in separate Lots. Mode of voting in latter Case.

XI. It shall be competent to provide in such Contract as aforesaid, either that the Buildings erected or improved by the Association shall permanently be held and let by them, and that the Rents, after deducting necessary Expenses, shall always be divided among the Shareholders for the Time being, or that the Association shall have Power to convey to Individuals separate Lots of the said Dwelling Houses for a Price to be paid, which Price shall belong to the several Shareholders in proportion to the Number of their Shares; and where Lots of such Dwelling Houses shall have been so conveyed, every Person acquiring and accepting any such Lot or Dwelling House in manner herein-after provided shall ipso facto become a Member of the said Association, but without any Right to participate in the Rents or Prices of the other Lots of the said Buildings, or to vote at Meetings of the Association in reference to the Management of any Dwelling Houses erected or improved by the Association, under a separate Warrant from that under which those Buildings whereof the Lot so conveyed to him may form Part, but he shall, in reference to such last-mentioned Buildings be entitled to One Vote for each separate Lot belonging to him; and when any Lots shall have been so conveyed, the Shareholders shall be entitled to as many Votes at all Meetings of the Association in reference to such Buildings, as there may remain Lots unconveyed as aforesaid, which Votes shall be given by any One or more of their Number chosen by the said Shareholders for that Purpose.

XII. In

XII. In all Cases in which it is provided by the Contract that Lots of the Buildings erected or improved may be conveyed as herein-before mentioned, the Association shall, so soon as the Sheriff shall have pronounced an Interlocutor finding the Erection or Improvement of the Dwelling Houses as aforesaid to have been properly executed as herein-before provided, lodge with the Sheriff Clerk an accurate Plan, on a Scale of not less than an Inch to each Twenty Feet, of such Dwelling Houses, exhibiting distinctly each separate Dwelling House with its bounding Divisions, together with the Yard, Court, Garden, Green, or other Pertinents, if any, thereto belonging, and having each such separate Dwelling House and Pertinents marked with a distinct Number legibly written or impressed on the said Plan, and also exhibiting any Yard, Court, Green, or other Pertinents which may be common to the Occupants of the Dwelling Houses; and the Sheriff, if satisfied of the Accuracy of such Plan, and with its Distinctness as clearly exhibiting each separate Dwelling House and the Pertinents aforesaid, shall, by a Docquet written thereon, or on each separate Sheet thereof when consisting of separate Sheets not joined together, and subscribed by him and bearing the Date at which the same is so subscribed, certify such Plan as the recorded Plan of the said Dwelling Houses; and the Association shall also lodge with the Sheriff Clerk a Register Book having all the Pages duly and progressively numbered, and having an equal Number of the whole Leaves thereof in proportion to the total Number of Dwelling Houses, appropriated for entering the Transfer of each Dwelling House respectively, and in the Order of the Numbers of such Dwelling Houses as marked on the Plan, the Number of each Dwelling House as so marked on the Plan being, in addition to the Number of the Page, legibly impressed or written on each Page of the several Leaves appropriated to the Entry of the Transfers of each such House respectively, and this Book shall, of the same Date with that on which the Plan is docqueted, be certified by a Docquet subscribed by the Sheriff with the Date of his Subscription to be the Register Book for the Transfer of the several Lots of the Buildings erected or improved by the Association under each separate Warrant as aforesaid; and the said Plan and Register Book shall permanently remain in the Custody of the said Sheriff Clerk, and no Transfer of any such Lot or Dwelling House shall be valid or effectual unless entered as herein-after provided in the said Register Book.

Where Lots are provided to be disposed of, the Association to lodge with Sheriff Clerk a Plan and a Register Book for recording Conveyances thereof.

XIII. Whensoever the Association shall convey to any Person acquiring any of the Lots of their said Buildings, the same shall be conveyed to such Party by an Entry at the Top of the First Page of the Leaves appropriated to the particular Lot or Dwelling House to be so conveyed in the Form of the Schedule (B.) hereunto annexed, subscribed

Mode of conveying Lots by the Association.

subscribed in Presence of the Sheriff Clerk and Two Witnesses by the Chairman or Clerk of the Association and by the Party accepting the Conveyance, or by some Person authorized by a written Mandate in the Form of the Schedule (C.) hereunto annexed to accept on his Behalf, and which Mandate shall be lodged with the Sheriff Clerk, and recorded in the Sheriff Court Books; and the said Sheriff Clerk and the Two Witnesses shall attest the said Entry by their Subscriptions, and on such Entry being completed the Party in whose Favour such Conveyance shall have been made shall be vested with the Property of the Lot or Dwelling House so conveyed and the Pertinents thereof, if any, with the Share effeiring thereto of any common Privileges and Accommodations provided for or belonging thereto, subject always to the Rules and Conditions of the Contract, as fully as if infeft by a recorded Sasine under a blench Charter from the Association, and free from all Rights or Burdens not contained in the Titles of the Association recorded in the Register of Sasines as aforesaid, and subject only to such Share of any Feu Duty Casualty, or Ground Annual due thereunder as may correspond to the Lot or Dwelling House so conveyed in proportion to the total Number of Lots or Dwelling Houses of which the Buildings may consist, and to no larger Share, and with Power to occupy, let, and dispose of such Lot or Dwelling House in accordance with the Rules and Conditions of the Contract as aforesaid; and the Party acquiring such Lot shall not be liable for, nor shall the Lot itself be subject to, any Charge, Debt, or Obligation of the Association not contracted or come under in Terms of the Contract and of this Act, or contracted in reference to Dwelling Houses erected or improved under any other Warrant than that under which the Buildings whereof such Lot forms a Part were erected or improved.

Subsequent Transfers.

XIV. All subsequent Transfers of such Lots or Dwelling Houses shall be made by Entry in the said Register Book under the Number of the Lot or Dwelling House to be transferred as marked on the Plan, and next after the immediately preceding Transfer, in the Form of the Schedule (D.) hereunto annexed, and the same shall be subscribed in Presence of the Sheriff Clerk and Two Witnesses, by the Party making and by the Party accepting the Transfer, or his Mandatory duly authorized by written Mandate lodged and recorded as aforesaid, and also by the said Sheriff Clerk and Witnesses; and thereupon the Party in whose favour such Transfer is made shall be vested with the Property of the Lot or Dwelling House transferred, with the Pertinents and Privileges thereto belonging, as the same subsisted in the Party to whom it was originally conveyed by the Association, when so originally conveyed.

XV. Where

Mode of registering Right of the Representative of a Party deceased.

XV. Where any Party in right of any such Lot or Dwelling House as aforesaid shall have died without executing a Transfer thereof in manner above mentioned, the Person claiming Right thereto, whether by Succession, or in virtue of any Deed of Settlement or Conveyance by the Deceased, shall apply to the Sheriff for his Warrant to be entered in the Register Book, as now in right of such Lot or Dwelling House; and the Sheriff, if satisfied, after such Intimation of the Application as he may deem proper, and hearing such Parties duly interested as may appear to oppose the same, that the Applicant is justly entitled to such Lot or Dwelling House, shall, without any Service or other Process at Law, cause an Entry to that Effect in the Form of the Schedule (E.) hereunto annexed to be made in the Register Book under the Number of the Lot or Dwelling House held by the Deceased, and next after the Transfer in favour of the Deceased, which Entry shall be subscribed by the said Sheriff and by the Sheriff Clerk, and thereupon the full Right to such Lot or Dwelling House, with the Pertinents and Privileges thereto belonging, as the same subsisted in the Party to whom it was originally conveyed, shall be vested in such Applicant.

Each Dwelling House shall constitute a distinct Lot not liable to Subdivision.

XVI. Each separate Dwelling House shall constitute a distinct Lot, and it shall not be competent or lawful to divide any of such Lots or Dwelling Houses into Shares or separate Properties, but each Lot or Dwelling House shall at all Times be transferred and pass whole and undivided.

Fees for recording Entries in Register Book.

XVII. The several Entries aforesaid in the Register Book shall be written by the Sheriff Clerk, or by a Clerk employed by him and under his Direction and Supervision, and such Sheriff Clerk shall be entitled to charge and to receive for each First Conveyance of any Lot or Dwelling House a Fee of *Ten Shillings*, and for each subsequent Transference or Entry a Fee of *Five Shillings*.

Register Book open to Inspection, and Extract of Entries to be received in Evidence.

XVIII. The Register Book shall be open to Inspection, under such Regulations as the Sheriff may appoint, by all Parties desirous to search the same; and for every Search a Fee of *One Shilling* shall be payable to the Sheriff Clerk in respect of each separate Lot or Dwelling House as to which such Search shall be made; and the Sheriff Clerk shall be bound to give to any Person demanding the same a certified Extract of any Entry in the Register Book on receiving for the Extract of each such Entry a Fee of *Two Shillings and Sixpence*, and such Extract shall bear Faith and be admissible in Evidence in any Court of Law or Equity, and when accompanied by a Certificate under the Hand of the Sheriff Clerk that no subsequent Transference of the

Lot or Dwelling House to which it applies appears on the Register Book, it shall be sufficient Proof that the Person therein set forth as the Party to whom such Lot or Dwelling House has thereby been transferred is the Owner of such Lot or Dwelling House.

Power to acquire dilapidated or noisome Buildings in Towns.

XIX. Where there shall exist within a Town any Range or Block of Buildings which, by reason of Faults in their original Construction or of the State of Dilapidation into which they may wholly or partially have fallen, are unsuitable for Dwelling Houses, and the Occupation of which in their existing State and Condition is attended with Risk of Injury or Disease to the Inhabitants or the Neighbourhood, or which, by reason of their Abandonment wholly or partially by the Parties having the legal Title thereto, or of Uncertainty or Ignorance as to who such Parties may be, may have become a Receptacle or Place of Harbourage for Persons of dissolute and vicious Character, or in any way a Nuisance to the Neighbourhood, it shall be lawful for any such Association as aforesaid desirous of acquiring the same for the Purpose of improving and repairing such Buildings, or of erecting new Dwelling Houses on the Site thereof, for Dwellings for the Working Classes under this Act, to apply by summary Petition, with the Consent of the Magistrates and Town Council of the Town, to the Court of Session, in either of its Divisions, for Authority to acquire the same for the Purposes aforesaid or either of them, at a Price to be fixed in manner herein-after provided, and to have the same adjudged to them for such Purposes.

Court may remit to Sheriff to ascertain Value.

XX. On such Petition being presented the said Court shall order Service thereof upon the Owners or reputed Owners of the Property sought to be acquired, or their Factors and Agents, so far as such Owners, reputed Owners, or Factors may be known and resident in Scotland, and such Intimation by public Advertisement as they shall deem proper; and after hearing any of such Owners as may make Compearance, and after such Inquiry by Report of skilled Men or otherwise as they may see fit, if satisfied that the State of the Buildings sought to be so acquired gives Occasion to the Risk of Injury or Disease to the Inhabitants or Neighbourhood, or that they afford Harbourage to Persons of dissolute or vicious Character, or otherwise constitute a Nuisance to the Neighbourhood, and that it would be for the public Advantage that the said Buildings or any Portion thereof should be acquired for and appropriated to the Purposes aforesaid, they shall pronounce an Interlocutor containing their Finding to such Effect, and remitting to the Sheriff to take Steps for having a Price or Value put upon the same.

XXI. On

Sheriff to ascertain Value according to Provisions of Land Clauses Act.

XXI. On the Remit so made being presented to the Sheriff, he shall forthwith proceed to have the Price or Value of the said Buildings and Site thereof determined according to the Provisions for determining the Value or Compensation to be paid for Lands and Heritages taken for public Undertakings contained in an Act passed in the Eighth and Ninth Years of Her Majesty, Chapter Nineteen, intituled "An Act for "consolidating in One Act certain Provisions usually inserted in Acts "authorizing the taking of Lands for Undertakings of a public Nature "in Scotland:" Provided always, that a separate Price shall be ascertained for every Part or Portion of such Buildings known to belong to distinct Proprietors.

Value or Price, when ascertained, to be lodged in Bank in Name of Accountant General of Court of Session, and Court thereupon to adjudge Property to Association.

XXII. When such Price or Value shall thus have been fixed, the Association shall within *Eight Days* thereafter pay into any of the chartered Banks of Edinburgh the Amount so fixed, with a Per-centage thereon, conform to the Rates set forth in the Schedule (F.) to this Act annexed to provide for the Expenses herein-after mentioned, the Money so lodged being placed to the Credit of the Accountant General for the Time being of the Court of Session; and on such Accountant General reporting to the Court that the Money has been so lodged, and that a Receipt therefor in his Name has been delivered to him, the said Court shall adjudge and decern the Buildings aforesaid and Site thereof, or such Portion of the same as they may have found it for the public Advantage to be acquired as aforesaid, and the Price or Value of which has been duly lodged in the Bank as herein-before provided, to belong to the Association for the Purposes aforesaid, and on an Extract of their Decree being recorded in the Register of Sasines, which the Keeper of such Register is hereby required to record on Payment of the usual Fees when the same is presented to him, the absolute Right of Property in and to the said Buildings and the Ground whereon they stand, with the Pertinents and Appurtenances thereof, shall be vested in the said Association, and these shall thenceforward belong to and be held by the said Association for the Purposes foresaid, free from all Right of Challenge on the Part of any Person claiming to have been the true Owner thereof, or to be in Right of the true Owner, and free from all Heritable Securities or Burdens other than any Feu Duty or Casualty payable to the Superior, and any Right of Servitude belonging to the Proprietors of neighbouring Tenements, and the Money lodged as aforesaid as the Price or Value of such Buildings, and the Site thereof, or of any Part of the same, shall be a Surrogate for the Buildings themselves, and Site thereof, or Portion thereof respectively, to the Proprietors and all Parties claiming any heritable Right, Burden, or Security in or over the same; and such Money, till paid as herein-after mentioned, shall be subject to all Claims by such Proprietors or other Parties to which the Buildings, and Site, or Portion thereof, if not acquired as aforesaid, would have been subject.

Accountant General to receive Claims on Money lodged;

XXIII. So soon as the Decree of Adjudication shall have been pronounced as aforesaid, the Accountant General of the Court of Session shall call before him, by such special Intimation and public Advertisements as he shall deem proper, the Expense of which Intimation and Advertisements shall be defrayed out of the Per-centage herein-before mentioned, all Parties claiming to be Proprietors or to be entitled to any Annuity, Heritable Debt, or other Burden out of the Buildings aforesaid or Rents thereof, to compear before him by themselves or their Agents, and to lodge with him a written Statement of their Claim, together with the Titles or other Deeds or Writings establishing the same, and such Parties shall be entitled to apply, by Motion, to the Division of the Court of Session in which the Petition for Adjudication shall have depended, for a Diligence to recover such Titles, Deeds, or Writings necessary to establish their Claim as may not be in their own Possession, and the said Court shall do thereon as shall seem to them to be just.

and to prepare a Scheme of Division.

XXIV. On receiving the Claims which shall be so lodged, with the Titles, Deeds, and Writings produced, the Accountant General shall consider the same, and shall have Power to call for such Explanations or further Productions, and to take such Assistance by the Opinion of professional or skilled Persons as he may deem necessary, and to hear competing Parties, if any such appear before him; and thereupon he shall prepare a Scheme of Division and Payment of the said Price or annual Proceeds thereof, according to the respective Rights and Interests of the Parties, as to those Portions of the Price to which, or to the annual Proceeds whereof, he is satisfied that a valid Right has been instructed; and he shall append to such Scheme, a Statement of those Portions of the Price to which, in his Opinion, no valid Right has been instructed, or in regard to which no Claim may have been made, and he shall cause public Notice, by such Advertisement as he may deem proper, to be made that the said Scheme has been prepared, and that it lies for Inspection at his Office, or at some other suitable Place appointed by him for that Purpose; and the said Scheme shall accordingly lie there, open for Inspection to all Parties interested for a Period of not less than *Three Weeks* from the Date of the First Advertisement.

Party dissatisfied with Scheme may appeal to Court of Session.

XXV. It shall be competent for any Claimant or Party competing who shall be dissatisfied with the proposed Scheme of Division, to appeal against the same, so far as objected to by him, by Note to the Division of the Court of Session in which the Petition for Adjudication depended; and the said Court, after hearing Parties, shall dispose of the said Appeal as to them shall seem just.

Accountant General to divide Price,

XXVI. At the Expiry of the Period allowed for the Inspection of the Scheme of Division as aforesaid, the Accountant General shall grant

grant Orders on the Amount lodged in Bank in his Name as aforesaid, for Payment of the Sums set forth in the said Scheme of Division, or the annual Proceeds thereof, as to which no Appeal has been taken, in favour of the Parties to whom those have been allotted in the said Scheme, and so soon as any Appeals that may have been taken shall have been disposed of by the said Court, he shall grant Orders for Payment of such Sums as may have been the Subjects of such Appeal in accordance with the Judgments of the Court pronounced thereupon; and in regard to any Portions of the Price as to which no Claim may have been made, or as to which he may have found that no valid Right has been instructed, and his Finding to this Effect may not have been appealed against, or, if appealed against, may have been adhered to by the Court, the said Portions of the Price shall be retained by him, subject to the Directions of the Court in regard to its Investment, till a valid Right shall have been instructed: Provided always, that it shall be competent for any Party conceiving himself to have Right thereto to lodge with the Accountant General at any Time thereafter his Claim, which, after being publicly intimated by such Party as the said Accountant General may direct, shall be dealt with and disposed of in the Manner herein-before provided as to the Claims originally lodged as aforesaid.

retaining the Amount unclaimed or to which no Right made good.

XXVII. The Expense of Advertisements and Intimations required as aforesaid to be made by the Accountant General, and of taking any Opinion of professional or skilled Men which he may deem necessary, and of framing the Scheme of Division, shall be defrayed by him out of the Per-centage to be deposited as herein-before mentioned, and any Balance thereof remaining after such Scheme has been framed shall be repaid by him to the Association, and all other Expenses shall be borne by the respective Claimants and Objectors; and in the event of Competition and Appeal, the Court shall have Power to award Expenses as to them may seem just.

Expenses of Procedure.

XXVIII. The Accountant General shall annually lay before the First Division of the Court of Session a State of the Monies lodged in his Name under this Act, and not paid away and distributed as aforesaid, and the said Court shall give such Directions as to the Investment thereof, and of the accruing Interests, and as to the Publication of such State as to them may seem proper, the Expense of such Publication being defrayed out of such accruing Interest.

Accountant General yearly to lay before Court a State of retained Monies.

XXIX. Every Bank with which any of the Monies aforesaid shall be deposited in Name of the Accountant General shall, once at least in every Year, accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest together as Principal; and any

Interest on Monies lodged in Bank to be yearly added to Capital.

Bank failing so to do shall be liable to account as if such Money had been so accumulated.

Sheriff may in certain Cases sanction the Disposal of the Buildings for other Objects.

XXX. It shall be lawful for any such Association as aforesaid, at any Time after the Lapse of *Ten Years* from the Date of any Warrant authorizing the Erection or Improvement of any Dwelling Houses under this Act, to present to the Sheriff an Application praying for his Authority to sell and dispone the Dwelling Houses erected or improved under such Warrant free from the Rules of the Contract recorded as aforesaid, and from the Provisions of this Act: Provided always, that Votes to the Extent of *Four Fifths* of the whole Votes belonging to the Members or Shareholders in reference to the Dwelling Houses proposed to be sold, shall have been given in favour of the Resolution to make such Application, and the Sheriff, if after hearing any Member or Members who may appear to oppose the same shall be satisfied that from Change of Circumstances or other Causes the Objects of the Association will no longer be attained in reference to such Dwelling Houses, may pronounce an Interlocutor authorizing the same, with the Pertinents thereof, to be sold and disponed; and on such Interlocutor being recorded in the Register of Sasines in which the Infeftment of the Association was recorded, the Keeper of which is hereby required to record the same on Payment of the usual Fees, it shall be lawful for such Association to sell and dispone such Dwelling Houses and Pertinents and to grant Dispositions to the Purchaser or Purchasers in common Form, and such Purchaser or Purchasers shall thereupon acquire Right to and shall hold the same free from the Provisions and Rules of the Contract of the Association, and from the Provisions of this Act, and from any Right or Claim on the Part of any of the Members of such Association, or of any one claiming through or in right of any such Member, and the Price or Prices of such Dwelling Houses shall, after Deduction of the Expense of selling, be divided at the Sight of the Sheriff among the Members according to their respective Rights and Interests.

Interpretation Clause.

XXXI. The Word "Sheriff" shall mean and include the Sheriff and Sheriff Substitute of the County in which the Property held or proposed to be acquired by the Association is situate; and the Words "Sheriff Clerk" shall include the Sheriff Clerk Depute, as well as the Sheriff Clerk Principal, and shall mean, where there are Two or more Wards in any County, the Sheriff Clerk, Principal or Depute, officiating within the Ward in which such Property lies.

SCHE-

SCHEDULES.

SCHEDULE (A.)

I of in consideration of the Sum of £ , whereof I acknowledge the Receipt [*or, as the Case may be*, of the yearly Feu Duty *or* Ground Annual after mentioned,] hereby dispone to [*here insert the Name or Title of the Association*] constituted under the "Dwelling Houses (Scotland) Act, 1855," in Terms of a Contract sanctioned by the Sheriff of of Date , and recorded in the Sheriff Court Books of Date , for the Purposes of the Act, and subject to the Rules contained in the Contract, all [*describing the Premises to be conveyed*] with the Pertinents thereto belonging [*here insert the Conditions, if any, of the Conveyance, the Feu Duty or Ground Annual, if any, a Registration Claim, and a testing Clause according to the Form of the Law of Scotland.*]

SCHEDULE (B.)

At in the County of this [*Date*] in Presence of the Sheriff Clerk [*or* Sheriff Clerk Depute] and of the Witnesses hereto subscribing, we [*insert the Name of the Association*] constituted under the "Dwelling Houses (Scotland) Act, 1855," by a Contract sanctioned by the Sheriff of, Date and recorded in the Sheriff Court Books of Date , hereby dispone to *A.B.* [*designing the Disponee*] that Lot of the Dwelling Houses erected [*or* improved] by us at [*Place and County, with Street if in a Town, and Parish if in a Country District,*] under Warrant dated , being Number of the same as marked on the Plan thereof docqueted of Date , and I the said *A.B.* [*or, as the Case may be*, I, *L.M.*, Mandatory for the said *A.B.*, by Mandate dated and recorded in the Sheriff

Court Books of Date , on his Behalf] accept this Conveyance.

(Signed) *C.D.* Chairman, [*or* Clerk] of the Association on their Behalf.

(Signed) *A.B.*

(Signed) *E.F.* [*designing him with his Residence*] Witness.

(Signed) *G.H.* [*designing him with his Residence*] Witness.

Executed before me,

(Signed) *I.K.* Sheriff Clerk.

SCHEDULE (C.)

I *A.B.* [*Designation*] authorize *C.D.* [*Designation*] to accept a Conveyance to Lot, Number , of the Dwelling Houses erected by [*Name of Association*] at , under Warrant of Date , and to subscribe the Entry of such Conveyance in the Register Book on my Behalf. [*Testing Clause according to the Form of the Law of Scotland.*]

SCHEDULE (D.)

At in the County of this [*Date*] in Presence of the Sheriff Clerk [*or* Sheriff Clerk Depute] and of the Witnesses hereto subscribing, I, *A.B.*, [*Designation*] dispone to *C.D.* [*Designation*], Lot, Number , of the Dwelling Houses erected by [*Name of Association*] at [*Place*], under Warrant, dated , and I the said *C.D.* [*or, as the Case may be,* I, *E.F.*, Mandatory for the said *C.D.*, by Mandate, dated and recorded in the Sheriff Court Books of Date on his Behalf,] accept this Conveyance.

[*To be subscribed as in Schedule* (*B.*)]

SCHEDULE (E.)

At in the County of this [*Date*] the Sheriff [*or* Sheriff Substitute] having considered the Application of *C.D.* [*designing him*] to be registered as Owner of Lot, Number of the Dwelling Houses erected at [*Place*] by [*Name of Association*], under Warrant of Date , in place of the deceased *A.B.* [*designing*

[*designing him*] as his Heir, [*or* in virtue of Disposition or Deed of Settlement by the said *A. B.*, dated *as the Case may be*,] finds that the said *C. D.* is now in right of the said Lot, and the Owner thereof, and he is hereby registered as such accordingly.

(Signed) *E. F.*,
(Signed) *G. H.*, Sheriff Clerk.

SCHEDULE (F.)

Where the Price does not exceed 500*l.*, *Four* per Cent.
Where it exceeds 500*l.* but not 1,000*l.*, *Three* per Cent.
Where it exceeds 1,000*l.* but not 2,000*l.*, *Two* per Cent.
Where it exceeds 2,000*l.* but not 5,000*l.*, *One* per Cent.
Where it exceeds 5,000*l.*, *One Half* per Cent.

Dwelling Houses.

(Scotland.)

A

BILL

To facilitate the Erection of Dwelling Houses for the Working Classes in Scotland.

(*Prepared and brought in by Mr. Dunlop, Mr. Baird, and Mr. Cowan.*)

Ordered, by The House of Commons, *to be Printed,* 21 *February* 1855.

[Bill 30.]

Under 2 oz.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Facilitate the Erection of Dwelling Houses for the Working Classes in Scotland.

[Note.—*The Clauses* A. *to* D. *and the Schedule* (E.) *were added in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons proposing to form Association for erecting or improving Dwelling Houses under Act to apply to Sheriff for his Sanction.

I. When any Four or more Persons associating for the Purpose of erecting new or improving already existing Dwelling Houses for the Working Classes in Scotland shall have subscribed the Amount of the whole Capital requisite for carrying out the contemplated Undertaking, and framed a Contract of Copartnery, containing Provisions for the Management of the Affairs of the Association, and Rules for the Upholding and Occupation of the Houses, and for letting and granting Tacks of the same, it shall be lawful for such Persons to present a Petition to the Sheriff, or if within any of the Burghs as to which it is provided in the Third and Fourth of William the Fourth, Chapter Seventy-six, that the Dean of Guild elected in the Manner in use before the passing thereof should ex officio be a constituent

Member of the Town Council, and enjoy the Powers and exercise the Functions theretofore enjoyed and exercised by Deans of Guild, then to such Dean of Guild, praying to have such Contract sanctioned by him and registered as after mentioned, provided that along with such Petition there shall be lodged the Plans and Specifications of the intended Erections or Improvements, and an Estimate of the Cost thereof, including the Cost of the Site and of the Buildings, if any, thereon.

Sheriff, if satisfied with Contract, Plans, &c. may interpone his Sanction and grant Warrant for recording the Contract and proceeding with the Undertaking.

II. The Sheriff or Dean of Guild, after such Inquiry as he may deem necessary, if satisfied that the Provisions of the Contract of Copartnery and the Rules therein contained, either as originally framed or as altered or modified at his Sight, are suitable and proper, and consistent herewith and with Law, and that they sufficiently and properly provide for the upholding, Management, and Disposal of the said Dwelling Houses, and also for the Occupation thereof, and securing against over-crowding; and that due and sufficient Means are provided in the said Plans and Specifications for the proper Ventilation, Drainage, and Sewerage of the intended Dwelling Houses and for the Supply of Water thereto, and that the Capital subscribed is sufficient for the Completion of the Undertaking, shall grant Warrant for the Erection or Improvement of the proposed Dwelling Houses, and for registering the said Contract in the Sheriff Court Books and Burgh Court Books respectively, and such Contract shall, on the Production to the Sheriff Clerk or Town Clerk of a Deposit Receipt or Certificate showing that One Fourth of the subscribed Capital has been paid up and lodged in Bank for the Purposes of the Undertaking, be registered therein accordingly.

On Registration, the Members of the Association and their Successors to subsist as an Association for the Purposes of the Act, subject to only a limited Liability for Debts, &c.

III. On the Registration of the Contract as aforesaid, the then Shareholders or Members in any such Undertaking, and all succeeding Shareholders or Members, whilst Shareholders or Members, shall subsist as an Association by the Name or Title set forth in the Contract, for the following Purposes, namely, for acquiring, holding, and managing the Property and Effects of the Association in the Name or Title thereof, and for erecting or improving and afterwards upholding the Dwelling Houses described in the Specification and Plans, and for letting or disponing in Tack such Dwelling Houses, and for sueing and being sued, and entering into Contracts in the Name or Title of the Association: Provided always, that the Shareholders or Members of the Association shall be liable for the Debts, Contracts, and Engagements thereof to the Extent only of their Shares in the Joint Stock of the Association, which Joint Stock, with the Dividends allocated to the Shareholders or Members which may be at the Time unpaid, shall be alone liable for the Debts and Engagements of the Association.

IV. Any

IV. Any such Association as aforesaid whose Contract may have been registered as herein-before provided, desirous of erecting or of acquiring and improving additional Dwelling Houses for the Purposes aforesaid, may at any Time, and from Time to Time, apply to the Sheriff or Dean of Guild, by Petition accompanied by Plans, Specifications, and Estimates as herein-before provided in regard to the Dwelling Houses before mentioned, for his Sanction and Warrant for the Erection or Improvement of such additional Dwelling Houses subject to the Rules and Provisions contained in such Contract; and the Sheriff or Dean of Guild, if satisfied that all the Conditions herein-before required in reference to Dwelling Houses to be erected or improved under the original Application by the Association have been fulfilled in reference to such additional Dwelling Houses, may interpone his Sanction to the Erection or Improvement of such additional Dwelling Houses, and grant his Warrant accordingly, and the aforesaid Provisions in reference to the first-mentioned Dwelling Houses shall be applicable to such additional Dwelling Houses.

Association may acquire Property and Sheriff may grant Warrant for Erection of additional Dwelling Houses

V. When the Buildings or Improvements set forth in the Plan and Specifications, whether under the original or any subsequent Petition by the Association, shall have been executed, the Sheriff or Dean of Guild shall, on Application by the Association, appoint the Dwelling Houses so erected or improved to be inspected at the Expense of the Association, and if satisfied that these have been duly executed in Terms of the Plans and Specifications, and on Proof that the Property of the said Dwelling Houses has been duly vested in the Association, free from Heritable Debt or Burden other than Feu Duty or Ground Annual, and other Right competent to the Superior or Recipient of the Feu Duty or Ground Annual, he shall pronounce an Interlocutor to that Effect, and until such Interlocutor shall have been pronounced it shall not be lawful for the Association or its Members to dispone in Tack, as after mentioned, any of the Dwelling Houses erected or improved by them, nor to assign or transfer any Share or Shares in such Association.

When Work duly executed Sheriff to declare so, and till then not lawful to let or dispose of Houses nor transfer Shares.

VI. It shall not be lawful to nor in the Power of the Association to enter into any Engagement except for carrying into effect the Objects thereof, nor for that Purpose beyond the Capital subscribed, nor afterwards beyond the Rents derived from Tenants which may be realized at the Time: Provided always, that if the Expense actually incurred in the Erection or Improvement of the said Dwelling Houses shall exceed the estimated Cost, it shall be lawful for the Association, with the Sanction of the Sheriff or Dean of Guild, although not specially provided for in the Contract, to increase their

No Engagement lawful except for Purposes of Association or beyond Stock or Rents.

Capital Stock by such Amount as such Sheriff or Dean of Guild shall authorize, and to issue new Shares to the Extent thereof.

Title of Association to be effectual in perpetuity, without Renewal of the Investiture.

VII. When the Association shall have made up their Title in common Form to the Lands, Houses, or other Subjects acquired by them, their Infeftment therein, duly recorded, shall constitute a valid and effectual Title to them and their Successors in all Time to come, without the Necessity of any Renewal of the Investiture: Provided always, that where no Agreement shall have been made with the Superior for a periodical or other Payment in lieu of the Casualty or Composition payable upon the Entry of Heirs and singular Successors, it shall be lawful for such Superior at the Death of the existing Vassal, and at the Expiration of every Twenty-five Years thereafter, so long as such Property shall be held for the Purposes of such Contract as aforesaid, to demand and take from the Association or their Successors a Sum equal to the yearly Feu Duty over and above the Feu Duty which may at the Time be due.

Rules in Contract to be Real Burdens on the Property.

VIII. The Rules anent the disposing of, letting, and Occupation of the said Dwelling Houses contained in the Contract registered as aforesaid shall be Real Burdens on and affecting the said Houses and other Subjects of the Association, and shall be in all Time coming binding upon the Association, and all Parties in their Right, and upon every Owner and Occupant of the said Dwelling Houses, and it shall be competent to the Association, or the Procurator Fiscal, or the Owner or Occupant of any of the Lots or Portions of the Buildings, to enforce Observance of such Rules against any Party infringing or not implementing the same by summary Process before the Judge Ordinary of the Bounds; and the Sheriff and Dean of Guild shall have Power from Time to Time, on the Application of the Association, or of a Majority of the Owners, to alter, amend, and modify such Rules as to him shall seem just, but consistently always with the Provisions of this Act, and all Alterations so made shall be recorded in the Sheriff Court Books or Burgh Court Books, and the Rules so altered, amended, or modified shall thenceforward be binding and enforcible as aforesaid.

Shares of Capital Stock to be deemed Moveable Estate.

IX. All Shares of the subscribed Capital Stock of such Association shall be held to be Moveable or Personal Estate.

Transfer of Shares.

X. All Transfers of such Shares shall be made and registered in the Manner prescribed by the Contract; and the Books in which the Names of the Shareholders, with their Designations and Places of Residence, and the Transfers of Shares are registered or entered, shall

shall be open to Inspection to all Shareholders and others interested at such Times and on such Conditions as may be regulated by the Contract.

Contract may provide either that Houses may be held and let or that they may be disposed of in separate Lots. Mode of voting in latter Case.

XI. It shall be provided in such Contract as aforesaid, either that the Buildings erected or improved by the Association shall permanently be held and let by them without Grassums, and for Periods not exceeding Twenty-one Years, and that the Rents, after deducting necessary Expenses, shall always be divided among the Shareholders for the Time being, or that the Association shall have Power to dispone to Individuals, in Tack or rental Rights as herein-after mentioned, separate Lots of the said Dwelling Houses for a Grassum or Price to be paid, together with a yearly Tack Duty which for each Lot shall be at least equal to a Proportion of the Feu Duty or Ground Annual payable for the Parcel of Ground whereon the Buildings of which such Lot forms a Part are erected, corresponding to the total Number of Lots into which the same may be divided, with Twenty-five per Cent. thereon in addition, and such Tack Duty in all Cases in which the Superior is entitled to a periodical Duplicand of the Feu Duty shall be subject also to Duplication for the Year in which such double Feu Duty is payable to the Superior.

Where Lots are provided to be disposed of, the Association to lodge with Sheriff Clerk a Plan and a Register Book for recording Transfers thereof.

XII. In all Cases in which it is provided by the Contract that Lots of the Buildings erected or improved may be so disponed, the Association shall, so soon as the Sheriff or Dean of Guild shall have pronounced an Interlocutor finding the Erection or Improvement of the Dwelling Houses as aforesaid to have been properly executed as herein-before provided, lodge with the Sheriff Clerk or Town Clerk an accurate Plan, on a Scale of not less than an Inch to each Twenty Feet, of such Dwelling Houses, exhibiting distinctly each separate Dwelling with its bounding Divisions, together with the Yard, Court, Garden, Green, or other Pertinents, if any, thereto belonging, and having each such separate Dwelling and Pertinents marked with a distinct Number legibly written or impressed on the said Plan, and also exhibiting any Yard, Court, Green, or other Pertinents which may be common to the Occupants of the Dwelling Houses; and the Sheriff or Dean of Guild, if satisfied of the Accuracy of such Plan, and with its Distinctness as clearly exhibiting each separate Dwelling and the Pertinents aforesaid, shall, by a Docquet written thereon, or on each separate Sheet thereof when consisting of separate Sheets not joined together, and subscribed by him and bearing the Date at which the same is so subscribed, certify such Plan as the recorded Plan of the said Dwelling Houses; and the Association shall also lodge with the Sheriff Clerk or Town Clerk a Register or Rental Book having all the Pages duly and progressively numbered

numbered from Number One onwards, and having an equal Number of the whole Leaves thereof in proportion to the total Number of Dwellings appropriated for entering the Tack or Rental Right of each Dwelling respectively, and the Transfers thereof, and in the Order of the Numbers of such Dwellings as marked on the Plan, the Number of each Dwelling as so marked on the Plan being, in addition to the Number of the Page, legibly impressed or written on each Page of the several Leaves appropriated to each such Dwelling respectively, and this Book shall, of the same Date with that on which the Plan is docqueted, be certified by a Docquet subscribed by the Sheriff or Dean of Guild with the Date of his Subscription to be the Register or Rental Book for the Tacks or Rental Rights of the several Lots of the Buildings erected or improved by the Association under each separate Warrant as aforesaid, and the Transfers thereof; and the said Plan and Register Book shall permanently remain in the Custody of the said Sheriff Clerk or Town Clerk, and no Transfer of the Tack or Rental Rights of any such Lot or Dwelling House shall be valid or effectual unless entered as hereinafter provided in the said Book.

Mode of disponing Lots by the Association.

XIII. Whensoever the Association shall grant to any Person a Tack or Rental Right of any of the Lots of their said Buildings, the same shall be so granted by an Entry at the Top of the First Page of the Leaves appropriated to the particular Lot or Dwelling to be so disponed in the Form of the Schedule (A.) hereunto annexed, subscribed, in Presence of the Sheriff Clerk or Town Clerk and Two Witnesses, by the Chairman or Clerk of the Association and by the Party accepting the Tack or Rental Right, or by some Person authorized by a written Mandate in the Form of the Schedule (B.) hereunto annexed to accept on his Behalf, and which Mandate shall be lodged with the Sheriff Clerk or Town Clerk, and recorded in the Sheriff Court or Burgh Court Books; and the said Sheriff Clerk or Town Clerk and the Two Witnesses shall attest the said Entry by their Subscriptions, and such Tack or Rental Right shall thereby be completed, and shall be valid and effectual notwithstanding of no Ish being stipulated thereto to the Party in whose Favour it shall have been granted, and to his Heirs and Assignees, who shall thenceforward be entitled to the perpetual Possession, Use, and Enjoyment of the Lot or Dwelling so disponed and the Pertinents thereof, if any, with the Share effeiring thereto of any common Privileges and Accommodations provided for or belonging thereto, subject always to the Rules and Conditions of the Contract, with Power to occupy, let, and transfer or assign the Right to such Lot or Dwelling, subject to such Rules and Conditions; and he and they shall not be liable for, nor shall the Lot or Dwelling itself,

itself, or the Furniture or Effects therein, be subject to any Charge, Debt, or Burden affecting the Buildings or Site thereof, or due by the Association, to any Extent beyond the Tack Duty payable for such Lot: Provided always, that this Provision shall not be construed as freeing such Owners from any public or parochial Rates or Taxes to which they may be liable by Law in respect of their Right to or Occupation of such Lot or Dwelling, nor from any Restrictions, Limitations, or Conditions contained in the feudal Investiture, and to which they would otherwise in Law be subject, in so far as not expressly modified by this Act.

CLAUSE A. Recovery of Feu Duty.

XIV. If when Tacks or Rental Rights have been granted as aforesaid the Association, or the Owners in their Place, shall in any Year fail to make due Payment to the Superior in One Sum of the yearly Feu Duty or Duplicand thereof when claimable, such Superior shall be entitled to recover from each Owner the Tack Duty or Duplicand thereof payable by him for such Year, and in consideration of his Trouble and Expense in separately collecting the same to appropriate the whole of the Tack Duties to his own Use, notwithstanding their exceeding by Twenty-five per Cent. the Amount of Feu Duty or Duplicand to which he may have Right; but he shall not in any event be entitled to exact from any such Owner a greater Sum than the Tack Duty stipulated in his Tack or Rental Right, or the Duplicand thereof, as the Case may be; and no Poinding of the Ground shall be competent for the Recovery of any Feu Duty or Duplicand thereof, or of any Casualty or Ground Annual, from any Owner, except to the Extent of such Tack Duty or Duplicand thereof, as the Case may be.

CLAUSE B. Powers of Owners in repairing and rebuilding.

XV. The Owner of each separate Tenement, and the several Owners of the Lots or Dwellings in each separate Tenement, shall have Power to uphold, repair, and when necessary rebuild such Tenement, subject to the Rules herein-before mentioned; and the Resolutions of the Majority of such several Owners in all Matters concerning such repairing, upholding, and rebuilding, in so far as not inconsistent with such Rules, shall bind the Minority, and the Majority shall be entitled to sue the Minority for the Enforcement of such Resolutions by summary Process before the Sheriff or Dean of Guild, who shall have Power to determine the Proportion of the Cost of such repairing, upholding, and rebuilding to be borne by each Owner when disputed; and if the Association shall at any Time be dissolved or cease to exist, the Owners for the Time being of the Lots of the Dwelling Houses erected on any Parcel of Ground held by One Title and under a single Superior shall be deemed their Successors, to the effect of constituting as a Society or Corporate

Body the Vassal in such Ground, but without being Subject to any further Obligation or Liability than is herein-before provided in regard to such Owners.

Subsequent Transfers.

XVI. All Transfers of Tacks or Rental Rights to such Lots or Dwellings shall be made by Entry in the said Register or Rental Book under the Number of the Lot or Dwelling to be transferred as marked on the Plan, and next after the immediately preceding Transfer, in the Form of the Schedule (E.) hereunto annexed, and the same shall be subscribed in Presence of the Sheriff Clerk or Town Clerk and Two Witnesses, by the Party making and by the Party accepting the Transfer, or their respective Mandatories duly authorized by written Mandate lodged and recorded as aforesaid, and also by the said Sheriff Clerk or Town Clerk and Witnesses; and thereupon the Party in whose Favour such Transfer is made shall be vested with the Right transferred, as the same subsisted in the Party to whom it was originally granted by the Association when so originally conveyed, and free from all Burdens, Debts, and Claims through or in right of the Granter of the Transfer or any previous Owner.

Mode of registering Right of the Representative of a Party deceased.

XVII. Where any Party in right of any such Lot or Dwelling as aforesaid shall have died without executing a Transfer thereof in manner above mentioned, the Person claiming Right thereto, whether by Succession, or in virtue of any Deed of Settlement or Conveyance by the Deceased, shall apply to the Sheriff or Dean of Guild for his Warrant to be entered in the Register or Rental Book, as now in right of such Lot or Dwelling; and the Sheriff or Dean of Guild if satisfied, after such Intimation of the Application as he may deem proper, and hearing such Parties duly interested as may appear to oppose the same, that the Applicant is justly entitled to such Lot or Dwelling, shall, without any Service or other Process at Law, cause an Entry to that Effect in the Form of the Schedule (D.) hereunto annexed to be made in the Register or Rental Book under the Number of the Lot or Dwelling held by the Deceased, and next after the Transfer in favour of the Deceased, which Entry shall be subscribed by the said Sheriff or Dean of Guild and by the Sheriff Clerk or Town Clerk, and thereupon the full Right to such Lot or Dwelling, with the Pertinents and Privileges thereto belonging, shall be vested in such Applicant.

Clause C. Inhibitions and Adjudications.

XVIII. Where any Party shall have used Inhibition or obtained Decree of Adjudication against the Owner of any such Lot or Dwelling as aforesaid, the Sheriff Clerk or Town Clerk shall, on the Letters of Inhibition or an Extract of the Decree of Adjudication being presented to him, make an Entry of the same on the Margin of the

the Register or Rental Book, opposite the Entry of such Owner's Right, specifying the Name of the Inhibiter or Adjudger, with the Date of the Inhibition or Adjudication, the Registers in which they are recorded, and the Date of recording, together with the Date of such Entry; and if such Inhibiter or Adjudger fail to get such Entry made, the Inhibition or Adjudication shall not affect or burden such Lot or Dwelling, or the Owner thereof in reference thereto, or any Purchaser from such Owner; but while such Entry of an Inhibition or Adjudication remains not marked as recalled or discharged, and the Sheriff Clerk or Town Clerk is hereby required so to mark it on legal Proof of Recal or Discharge being presented to him, no Transfer shall be entered by such Sheriff Clerk or Town Clerk, or, if entered, it shall not be available as against such Inhibiter or Adjudger; and where an Adjudger shall have obtained Decree of Declarator of Expiry of the Legal, it shall be lawful for him to apply to the Sheriff or Dean of Guild to be registered as the Owner in Right of the Tack or Rental Right of his Debtor, and in like Manner it shall be lawful for the Trustee on the sequestrated Estate of any Owner to apply to the Sheriff or Dean of Guild to be registered as Owner in his Place, and the Sheriff or Dean of Guild shall, on Production to him of an Extract of the Decree of Declarator or of the Decree of Adjudication in the Sequestration, cause an Entry in Form of the Schedule (E.) to this Act annexed to be inserted in the Register or Rental Book under the Number of the Lot or Dwelling belonging to the Debtor or Bankrupt, and next after the Transfer in his Favour, and thereupon the full Right to such Lot or Dwelling, with the Pertinents and Privileges thereto belonging, shall be vested in such Adjudger or Trustee.

Each Dwelling shall constitute a distinct Lot not liable to Subdivision.

XIX. Each separate Dwelling shall constitute a distinct Lot, and shall consist of not less than Two nor more than Five Rooms with Fireplaces, and it shall not be competent or lawful to divide any of such Lots or Dwellings into Shares or separate Properties, but each Lot or Dwelling shall at all Times be transferred and pass whole and undivided.

Fees for recording Entries in Register Book.

XX. The several Entries aforesaid in the Register or Rental Book shall be written by the Sheriff Clerk or Town Clerk, or by a Clerk employed by him and under his Direction and Supervision, and such Sheriff Clerk or Town Clerk shall be entitled to charge and to receive for each First Grant of a Tack or Rental Right of any Lot or Dwelling a Fee of Ten Shillings, and for each subsequent Transfer or Entry a Fee of Five Shillings, and for the Entry of an Inhibition or Adjudication, or the marking of the Recal or Discharge thereof, a Fee of One Shilling respectively.

Register Book open to Inspection, and Extract of Entries to be received in Evidence.

XXI. The Register or Rental Book shall be open to Inspection, under such Regulations as the Sheriff or Dean of Guild may appoint, by all Parties desirous to search the same; and for every Search a Fee of One Shilling shall be payable to the Sheriff Clerk or Town Clerk in respect of each separate Lot or Dwelling as to which such Search shall be made; and the Sheriff Clerk or Town Clerk shall be bound to give to any Person demanding the same a certified Extract of any Entry in the Register Book on receiving for the Extract of each such Entry a Fee of Two Shillings and Sixpence, and such Extract shall bear Faith and be admissible in Evidence in any Court of Law or Equity, and when accompanied by a Certificate under the Hand of the Sheriff Clerk or Town Clerk that no subsequent Transference of the Lot or Dwelling to which it applies appears on the Register Book, it shall be sufficient Proof that the Person therein set forth as the Party to whom such Lot or Dwelling has thereby been transferred is the Owner of such Lot or Dwelling.

Power to acquire dilapidated or noisome Buildings in Towns.

XXII. Where there shall exist within a Town any Range or Block of Buildings which, by reason of Faults in their original Construction or of the State of Dilapidation into which they may wholly or partially have fallen, are unsuitable for Dwelling Houses, and the Occupation of which in their existing State and Condition is attended with Risk of Injury or Disease to the Inhabitants or the Neighbourhood, or which, by reason of the Abandonment of the whole or Part thereof by the Parties having the legal Title thereto, or of Uncertainty or Ignorance as to who such Parties may be, may have become a Receptacle or Place of Harbourage for Persons of dissolute and vicious Character, or in any way a Nuisance to the Neighbourhood, it shall be lawful for any such Association as aforesaid desirous of acquiring the same for the Purpose of improving and repairing such Buildings, or of erecting new Dwelling Houses on the Site thereof, for Dwellings for the Working Classes under this Act, to apply by summary Petition, with the Consent of the Magistrates and Town Council of the Town, to the Court of Session, in either of its Divisions, for Authority to acquire the same for the Purposes aforesaid or either of them, at a Price to be fixed in manner herein-after provided, and to have the same adjudged to them for such Purposes.

Court may remit to Sheriff to ascertain Value.

XXIII. On such Petition being presented the said Court shall order Service thereof upon the Owners or reputed Owners of the Property sought to be acquired, or their Factors and Agents, so far as such Owners, reputed Owners, or Factors may be known and resident in Scotland, and such Intimation by public Advertisement as they shall deem proper; and after hearing any of such Owners as may make Compearance, and after such Inquiry by Report of skilled Men or otherwise

otherwise as they may see fit, if satisfied that the State of the Buildings sought to be so acquired gives Occasion to the Risk of Injury or Disease to the Inhabitants or Neighbourhood, or that they afford Harbourage to Persons of dissolute or vicious Character, or otherwise constitute a Nuisance to the Neighbourhood, and that it would be for the public Advantage that the said Buildings or any Portion thereof should be acquired for and appropriated to the Purposes aforesaid, they shall pronounce an Interlocutor containing their Finding to such Effect, and remitting to the Sheriff to take Steps for having a Price or Value put upon the same.

Sheriff to ascertain Value according to Provisions of Land Clauses Act.

XXIV. On the Remit so made being presented to the Sheriff, he shall forthwith proceed to have the Price or Value of the said Buildings and Site thereof determined according to the Provisions for determining the Value or Compensation to be paid for Lands and Heritages taken for public Undertakings contained in an Act passed in the Eighth and Ninth Years of Her Majesty, Chapter Nineteen, intituled "An Act for "consolidating in One Act certain Provisions usually inserted in Acts "authorizing the taking of Lands for Undertakings of a public Nature "in Scotland:" Provided always, that a separate Price shall be ascertained for every Part or Portion of such Buildings known to belong to distinct Proprietors.

Value or Price, when ascertained, to be lodged in Bank in Name of Accountant of Court of Session, and Court thereupon to adjudge Property to Association.

XXV. When such Price or Value shall thus have been fixed, the Association shall within Fourteen Days thereafter pay into any of the chartered Banks of Edinburgh the Amount so fixed, with a Per-centage thereon, conform to the Rates set forth in the Schedule (F.) to this Act annexed to provide for the Expenses herein-after mentioned, the Money so lodged being placed to the Credit of the Accountant for the Time being of the Court of Session; and on such Accountant reporting to the Court that the Money has been so lodged, and that a Receipt therefor in his Name has been delivered to him, the said Court shall adjudge and decern the Buildings aforesaid and Site thereof, or such Portion of the same as they may have found it for the public Advantage to be acquired as aforesaid, and the Price or Value of which has been duly lodged in the Bank as herein-before provided, to belong to the Association for the Purposes aforesaid, and on an Extract of their Decree being recorded in the General or Particular or Burgh Register of Sasines, which the Keeper of such Register is hereby required to record on Payment of the usual Fees when the same is presented to him, the absolute Right of Property in and to the said Buildings and the Ground whereon they stand, with the Pertinents and Appurtenances thereof, shall be vested in the said Association, and these shall thenceforward belong to and be held by the said Association for the Purposes foresaid, free from all Right of Challenge on the Part of any

any Person claiming to have been the true Owner thereof, or to be in Right of the true Owner, and free from all Heritable Securities or Burdens other than any Feu Duty or Casualty payable to the Superior, or any Right of Servitude belonging to the Proprietors of neighbouring Tenements: Provided always, that where no Agreement shall have been made with the Superior for a periodical or other Payment in lieu of the Casualty or Composition payable upon the Entry of Heirs and Singular Successors, it shall be lawful for such Superior, at the Death of the existing Vassal, and at the Expiration of every Twenty-five Years thereafter, so long as such Property shall be held for the Purposes aforesaid, to demand and take from the Association or their Successors a Sum equal to the yearly Feu Duty over and above the Feu Duty which may at the Time be due; and the Money lodged as aforesaid as the Price or Value of such Buildings, and the Site thereof, or of any Part of the same, shall be a Surrogate for the Buildings themselves, and Site thereof, or Portion thereof respectively, to the Proprietors and all Parties claiming any heritable Right, Burden, or Security in or over the same; and such Money, till paid as herein-after mentioned, shall be subject to all Claims by such Proprietors or other Parties to which the Buildings, and Site or Portion thereof, if not acquired as aforesaid, would have been subject.

Accountant to receive Claims on Money lodged;

XXVI. So soon as the Decree of Adjudication shall have been pronounced as aforesaid, the Accountant of the Court of Session shall, by such special Intimation and public Advertisements as he shall deem proper, the Expense of which Intimation and Advertisements shall be defrayed out of the Per-centage herein-before mentioned, call all Parties claiming to be Proprietors or to be entitled to any Annuity, Heritable Debt, or other Burden out of the Buildings aforesaid or Rents thereof, to compear before him by themselves or their Agents, and to lodge with him a written Statement of their Claim, together with the Titles or other Deeds or Writings establishing the same, and such Parties shall be entitled to apply, by Motion, to the Division of the Court of Session in which the Petition for Adjudication shall have depended, for a Diligence to recover such Titles, Deeds, or Writings necessary to establish their Claim as may not be in their own Possession, and the said Court shall do thereon as shall seem to them to be just.

and to prepare a Scheme of Division.

XXVII. On receiving the Claims which shall be so lodged, with the Titles, Deeds, and Writings produced, the said Accountant shall consider the same, and shall have Power to call for such Explanations or further Productions, and to take such Assistance by the Opinion of professional or skilled Persons as he may deem necessary, and to hear competing Parties, if any such appear before him; and thereupon

thereupon he shall prepare a Scheme of Division and Payment of the said Price or annual Proceeds thereof, according to the respective Rights and Interests of the Parties, as to those Portions of the Price to which, or to the annual Proceeds whereof, he is satisfied that a valid Right has been instructed; and he shall append to such Scheme, a Statement of those Portions of the Price to which, in his Opinion, no valid Right has been instructed, or in regard to which no Claim may have been made, and he shall cause public Notice, by such Advertisement as he may deem proper, to be made that the said Scheme has been prepared, and that it lies for Inspection at his Office, or at some other suitable Place appointed by him for that Purpose; and the said Scheme shall accordingly lie there, open for Inspection to all Parties interested for a Period of not less than Three Weeks from the Date of the First Advertisement.

Party dissatisfied with Scheme may appeal to Court of Session.

XXVIII. It shall be competent for any Claimant or Party competing who shall be dissatisfied with the proposed Scheme of Division, to appeal against the same, so far as objected to by him, by Note to the Division of the Court of Session in which the Petition for Adjudication depended; and the said Court, after hearing Parties, shall dispose of the said Appeal as to them shall seem just.

Accountant to divide Price, retaining the Amount unclaimed or to which no Right made good.

XXIX. At the Expiry of the Period allowed for the Inspection of the Scheme of Division as aforesaid, the said Accountant shall grant Orders on the Amount lodged in Bank in his Name as aforesaid, for Payment of the Sums set forth in the said Scheme of Division, or the annual Proceeds thereof, as to which no Appeal has been taken, in favour of the Parties to whom those have been allotted in the said Scheme, and so soon as any Appeals that may have been taken shall have been disposed of by the said Court, he shall grant Orders for Payment of such Sums as may have been the Subjects of such Appeal in accordance with the Judgments of the Court pronounced thereupon; and in regard to any Portions of the Price as to which no Claim may have been made, or as to which he may have found that no valid Right has been instructed, and his Finding to this Effect may not have been appealed against, or, if appealed against, may have been adhered to by the Court, the said Portions of the Price shall be retained by him, subject to the Directions of the Court in regard to its Investment, till a valid Right shall have been instructed: Provided always, that it shall be competent for any Party conceiving himself to have Right thereto to lodge with the said Accountant at any Time thereafter his Claim, which, after being publicly intimated by such Party as the said Accountant may direct, shall be dealt with and disposed of in the Manner herein-before provided as to the Claims originally lodged as aforesaid.

Expenses of Procedure.

XXX. The Expense of Advertisements and Intimations required as aforesaid to be made by the said Accountant, and of taking any Opinion of professional or skilled Men which he may deem necessary, and of framing and reporting to the Court the Scheme of Division, shall be defrayed by him out of the Per-centage to be deposited as herein-before mentioned, and any Balance thereof remaining after such Scheme has been framed shall be repaid by him to the Association, and all other Expenses shall be borne by the respective Claimants and Objectors; and in the event of Competition and Appeal, the Court shall have Power to award Expenses as to them may seem just.

Accountant yearly to lay before Court a State of retained Monies.

XXXI. The said Accountant shall annually lay before the First Division of the Court of Session a State of the Monies lodged in his Name under this Act, and not paid away and distributed as aforesaid, and the said Court shall give such Directions as to the Investment thereof, and of the accruing Interests, and as to the Publication of such State as to them may seem proper, the Expense of such Publication being defrayed out of such accruing Interest.

Interest on Monies lodged in Bank to be yearly added to Capital.

XXXII. Every Bank with which any of the Monies aforesaid shall be deposited in Name of the said Accountant shall, once at least in every Year, accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest together as Principal; and any Bank failing so to do shall be liable to account as if such Money had been so accumulated.

Sheriff may in certain Cases sanction the Disposal of the Buildings for other Objects.

XXXIII. It shall be lawful for any such Association as aforesaid, at any Time after the Lapse of Ten Years from the Date of any Warrant authorizing the Erection or Improvement of any Dwelling Houses under this Act, to present to the Sheriff or Dean of Guild an Application praying for his Authority to sell and dispone the Dwelling Houses erected or improved under such Warrant free from the Rules of the Contract recorded as aforesaid, and from the Provisions of this Act: Provided always, that Votes to the Extent of Four Fifths of the Shareholders, or where the Dwelling Houses shall have been disponed in Tack as aforesaid that the Consent of Four Fifths of the Owners of the Dwelling Houses proposed to be sold, shall have been given in favour of the Resolution to make such Application, and the Sheriff or Dean of Guild, if after hearing any Shareholder or Owner who may appear to oppose the same, he shall be satisfied that from Change of Circumstances or other Causes the Objects of the Association will no longer be attained in reference to such Dwelling Houses, may pronounce an Interlocutor authorizing the same, with the Pertinents thereof, to be sold and disponed; and on such Interlocutor being recorded in the Register of

of Sasines in which the Infeftment of the Association was recorded, the Keeper of which is hereby required to record the same on Payment of the usual Fees, it shall be lawful for such Association to sell and dispone such Dwelling Houses and Pertinents and to grant Dispositions to the Purchaser or Purchasers in common Form, and such Purchaser or Purchasers shall thereupon acquire Right to and shall hold the same free from the Provisions and Rules of the Contract of the Association, and from the Provisions of this Act, and from any Right or Claim on the Part of any of the Shareholders of such Association, or of the Owners, or of any one claiming through or in right of any such Shareholder or Owner, and the Price or Prices of such Dwelling Houses shall, after Deduction of the Expense of selling, be divided at the Sight of the Sheriff or Dean of Guild among the Shareholders or Owners according to their respective Rights and Interests.

CLAUSE D.
Short Title.

XXXIV. This Act may be cited for all Purposes as "The Dwelling Houses (Scotland) Act, 1855."

Interpretation Clause.

XXXV. The Word "Sheriff" shall mean and include the Sheriff and Sheriff Substitute of the County in which the Property held or proposed to be acquired by the Association is situate; and the Words "Sheriff Clerk" shall include the Sheriff Clerk Depute, as well as the Sheriff Clerk Principal, and shall mean, where there are Two or more Wards in any County, the Sheriff Clerk, Principal or Depute, officiating within the Ward in which such Property lies; "Dean of Guild" shall mean the Dean of Guild of the Burgh within which the Property held or proposed to be acquired by the Association is situate, such Burgh being always one of those referred to in the First Section hereof; "Town Clerk" shall mean the Town Clerk of such Burgh; and "Owner" shall mean the Party for the Time being standing on the Register or Rental Book as in right of a Tack or Rental Right of any Lot or Dwelling forming Part of any Dwelling Houses erected or improved under this Act.

SCHEDULES.

SCHEDULE (A.)

At in the County of this [*Date*] in Presence of the Sheriff Clerk [*or* Sheriff Clerk Depute *or* Town Clerk] and of the Witnesses hereto subscribing, we [*insert the Name of the Association*] constituted under the "Dwelling Houses (Scotland) Act, 1855," by a Contract sanctioned by the Sheriff [*or* Dean of Guild] of Date and recorded in the Sheriff [*or* Burgh] Court Books of Date , hereby dispone in perpetual Tack or Rental Right to *A.B.* [*designing the Disponee*] that Lot of the Dwelling Houses erected [*or* improved] by us at [*Place and County, or Burgh, with Street if in a Town, and Parish if in a Country District,*] under Warrant dated , being Number of the same as marked on the Plan thereof docqueted of Date , at the yearly Tack Duty of [*Sum*] payable at Whitsunday [*or* Martinmas]. And I the said *A.B.* [*or, as the Case may be,* I, *L.M.*, Mandatory for the said *A.B.*, by Mandate dated and recorded in the Sheriff [*or* Burgh] Court Books of Date , on his Behalf] accept this Tack.

(Signed) *C.D.* Chairman, [*or* Clerk] of the Association on their Behalf.

(Signed) *A.B.*

(Signed) *E.F.* [*designing him with his Residence*] Witness.

(Signed) *G.H.* [*designing him with his Residence*] Witness.

Executed before me,

(Signed) *I.K.* Sheriff [*or* Town] Clerk.

SCHE-

SCHEDULE (B.)

I *A.B.* [*Designation*] authorize *C.D.* [*Designation*] to accept [*or* grant to *E.F.*] an Assignation to Lot, Number , of the Dwelling Houses erected by [*Name of Association*] at , under Warrant of Date , and to subscribe the Entry of such Transfer in the Register Book on my Behalf. [*Testing Clause according to the Form of the Law of Scotland.*]

SCHEDULE (C.)

At in the County of this [*Date*] in Presence of the Sheriff Clerk [*or* Sheriff Clerk Depute *or* Town Clerk] and of the Witnesses hereto subscribing, I, *A.B.*, [*Designation*] [*or, as the Case may be,* I, *G.H.* Mandatory for *A.B.*, *designing him,* by Mandate dated and recorded in the Sheriff *or Burgh* Court Books of Date] assign to *C.D.* [*Designation*] my Tack of Lot, Number , of the Dwelling Houses erected by [*Name of Association*] at [*Place*], under Warrant, dated , and I the said *C.D.* [*or, as the Case may be,* I, *E.F.*, Mandatory for the said *C.D.*, by Mandate, dated and recorded in the Sheriff [*or* Burgh] Court Books of Date on his Behalf,] accept this Transfer.

[*To be subscribed as in Schedule* (*A.*)]

SCHEDULE (D.)

At in the County of this [*Date*] the Sheriff [*or* Sheriff Substitute *or* Dean of Guild] having considered the Application of *C.D.* [*designing him*] to be registered as Owner of Lot, Number of the Dwelling Houses erected at [*Place*] by [*Name of Associaiion*], under Warrant of Date , in place of the deceased *A.B.* [*designing him*] as his Heir, [*or* in virtue of Disposition or Deed of Settlement by the said *A.B.*, dated *as the Case may be,*] finds that the said *C.D.* is now in right of the said Lot, and the Owner thereof, and he is hereby registered as such accordingly.

(Signed) *E.F.*

(Signed) *G.H.*, Sheriff [*or* Town] Clerk.

SCHEDULE (E.)

At in the County of this [*Date*] the Sheriff [*or* Sheriff Substitute *or* Dean of Guild] having considered the Application of *C.D.* [*designing him*] to be registered as Owner of Lot, Number , of the Dwelling Houses erected at [*Place*] by [*Name of Association*] under Warrant of Date the in Place of *A.B.* [*designing him*] in virtue of an Adjudication and Decree of Expiry of the Legal thereon of Date [*or* in virtue of the Adjudication in favour of the said *C.D.*, as Trustee on his sequestrated Estate, of Date], finds that the said *C.D.* is now in right of the said Lot as Owner thereof, and he is hereby registered as such accordingly.

(Signed) *E.F.*
G.H., Sheriff [*or* Town] Clerk.

SCHEDULE (F.)

Where the Price does not exceed 500*l.*, *Four* per Cent.
Where it exceeds 500*l.* but not 1,000*l.*, *Three* per Cent.
Where it exceeds 1,000*l.* but not 2,000*l.*, *Two* per Cent.
Where it exceeds 2,000*l.* but not 5,000*l.*, *One* per Cent.
Where it exceeds 5,000*l.*, *One Half* per Cent.

Dwelling Houses.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

To facilitate the Erection of Dwelling Houses for the Working Classes in Scotland.

(*Prepared and brought in by Mr. Dunlop, Mr. Baird, and Mr. Cowan.*)

Ordered, by The House of Commons, *to be Printed,* 6 *June* 1855.

[Bill 157.]

Under 3 oz.

Dwelling Houses (Scotland) Bill.

[AS AMENDED BY THE LORDS.]

ARRANGEMENT OF CLAUSES.

Persons proposing to form Association for erecting or improving Dwelling Houses under Act to apply to Sheriff for his Sanction; Sect. 1.

Sheriff, if satisfied with Contract, Plans, &c. may interpone his Sanction and grant Warrant for recording the Contract and proceeding with the Undertaking; 2.

On Registration, the Members of the Association and their Successors to subsist as an Association for the Purposes of the Act, subject to only a limited Liability for Debts, &c.; 3.

Association may acquire Property and Sheriff may grant Warrant for Erection of additional Dwelling Houses; 4.

When Work duly executed Sheriff to declare so, and till then not lawful to let or dispose of Houses nor transfer Shares; 5.

No Engagement lawful except for Purposes of Association or beyond Stock or Rents; 6.

Title of Association to be effectual in perpetuity, without Renewal of the Investiture; 7.

Rules in Contract to be Real Burdens on the Property; 8.

Shares of Capital Stock to be deemed Moveable Estate; 9.

Transfer of Shares; 10.

Contract may provide either that Houses may be held and let or that they may be disposed of in separate Lots. Mode of voting in latter Case; 11.

Where Lots are provided to be disposed of, the Association to lodge with Sheriff Clerk a Plan and a Register Book for recording Transfers thereof; 12.

Mode of disponing Lots by the Association; 13.

Recovery of Feu Duty; 14.

Powers of Owners in repairing and rebuilding; 15.

Subsequent Transfers; 16.

Mode of registering Right of the Representative of a Party deceased; 17.

Inhibitions and Adjudications; 18.

Each Dwelling shall constitute a distinct Lot not liable to Subdivision; 19.

Fees for recording Entries in Register Book; 20.

The Stamp Duties on Tacks and Transfers may be denoted by impressed or adhesive Stamps. Adhesive Stamps to be adapted for certain Particulars; 21.

Register Book open to Inspection, and Extract of Entries to be received in Evidence; 22.

Power to acquire dilapidated or noisome Buildings in Towns; 23.

Court may remit to Sheriff to ascertain Value; 24.

Sheriff to ascertain Value according to Provisions of Land Clauses Act; 25.

Value or Price, when ascertained, to be lodged in Bank in Name of Accountant of Court of Session, and Court thereupon to adjudge Property to Association; 26.

Accountant to receive Claims on Money lodged; and to prepare a Scheme of Division; 27, 28.

Party dissatisfied with Scheme may appeal to Court of Session; 29.

Accountant to divide Price, retaining the Amount unclaimed or to which no Right made good; 30.

Expenses of Procedure; 31.

Accountant yearly to lay before Court a State of retained Monies; 32.

Interest on Monies lodged in Bank to be yearly added to Capital; 33.

Sheriff may in certain Cases sanction the Disposal of the Buildings for other Objects; 34.

Short Title; 35.

Interpretation Clause; 36.

Clause A. Association not exempted from Provisions of future Acts.

Schedules.

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to facilitate the Erection of Dwelling Houses for the Working Classes in Scotland.

[Note.—In the Bill, *the Words and Clause printed in Italics were added, and the Words struck through were omitted, by the Lords.*

In Schedule (F.), *the Word and Figures printed in Italics were added, and the Words struck through were omitted, by the Lords.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons proposing to form Association for erecting or improving Dwelling Houses under Act to apply to Sheriff for his Sanction.

I. When any Four or more Persons associating for the Purpose of erecting new or improving already existing Dwelling Houses for the Working Classes in Scotland shall have subscribed the Amount of the whole Capital requisite for carrying out the contemplated Undertaking, and framed a Contract of Copartnery, containing Provisions for the Management of the Affairs of the Association, and Rules for the Upholding and Occupation of the Houses, and for letting and granting Tacks of the same, it shall be lawful for such Persons to present a Petition to the Sheriff, or if within any of the Burghs as to which it is provided in the Third and Fourth of William the Fourth, Chapter Seventy-six, that the Dean of Guild elected in the Manner mentioned in the said Act should ex officio be a constituent

Member of the Town Council, and enjoy the Powers and exercise the Functions theretofore enjoyed and exercised by Deans of Guild, then to such Dean of Guild, praying to have such Contract sanctioned by him and registered as after mentioned, provided that along with such Petition there shall be lodged the Plans and Specifications of the intended Erections or Improvements, and an Estimate of the Cost thereof, including the Cost of the Site and of the Buildings, if any, thereon.

Sheriff, if satisfied with Contract, Plans, &c. may interpone his Sanction and grant Warrant for recording the Contract and proceeding with the Undertaking.

II. The Sheriff or Dean of Guild, after such Inquiry as he may deem necessary, if satisfied that the Provisions of the Contract of Copartnery and the Rules therein contained, either as originally framed or as altered or modified at his Sight, are suitable and proper, and consistent herewith and with Law, and that they sufficiently and properly provide for the upholding, Management, and Disposal of the said Dwelling Houses, and also for the Occupation thereof, and securing against over-crowding; and that due and sufficient Means are provided in the said Plans and Specifications for the proper Ventilation, Drainage, and Sewerage of the intended Dwelling Houses and for the Supply of Water thereto, and that the Capital subscribed is sufficient for the Completion of the Undertaking, shall grant Warrant for the Erection or Improvement of the proposed Dwelling Houses, and for registering the said Contract in the Sheriff Court Books or Burgh Court Books respectively, and such Contract shall, on the Production to the Sheriff Clerk or Town Clerk of a Deposit Receipt or Certificate showing that One Half of the subscribed Capital has been paid up and lodged in Bank for the Purposes of the Undertaking, be registered therein accordingly.

On Registration, the Members of the Association and their Successors to subsist as an Association for the Purposes of the Act, subject to only a limited Liability for Debts, &c.

III. On the Registration of the Contract as aforesaid, the then Shareholders or Members in any such Undertaking, and all succeeding Shareholders or Members, whilst Shareholders or Members, shall subsist as an Association by the Name or Title set forth in the Contract, for the following Purposes, namely, for acquiring, holding, and managing the Property and Effects of the Association in the Name or Title thereof, and for erecting or improving and afterwards upholding the Dwelling Houses described in the Specification and Plans, and for letting or disponing in Tack such Dwelling Houses, and for sueing and being sued, and entering into Contracts in the Name or Title of the Association: Provided always, that the Shareholders or Members of the Association shall be liable for the Debts, Contracts, and Engagements thereof to the Extent only of their Shares in the Capital Stock of the Association, which Capital Stock, with the Dividends allocated to the Shareholders or Members which may be at the Time unpaid, shall be alone liable for the Debts and Engagements of the Association.

IV. Any

IV. Any such Association as aforesaid whose Contract may have been registered as herein-before provided, desirous of erecting or of acquiring and improving additional Dwelling Houses for the Purposes aforesaid, may at any Time, and from Time to Time, apply to the Sheriff or Dean of Guild, by Petition accompanied by Plans, Specifications, and Estimates as herein-before provided in regard to the Dwelling Houses before mentioned, for his Sanction and Warrant for the Erection or Improvement of such additional Dwelling Houses subject to the Rules and Provisions contained in such Contract; and the Sheriff or Dean of Guild, if satisfied that all the Conditions herein-before required in reference to Dwelling Houses to be erected or improved under the original Application by the Association have been fulfilled in reference to such additional Dwelling Houses, may interpone his Sanction to the Erection or Improvement of such additional Dwelling Houses, and grant his Warrant accordingly, and the aforesaid Provisions in reference to the first-mentioned Dwelling Houses shall be applicable to such additional Dwelling Houses.

Association may acquire Property and Sheriff may grant Warrant for Erection of additional Dwelling Houses.

V. When the Buildings or Improvements set forth in the Plan and Specifications, whether under the original or any subsequent Petition by the Association, shall have been executed, the Sheriff or Dean of Guild shall, on Application by the Association, appoint the Dwelling Houses so erected or improved to be inspected at the Expense of the Association, and if satisfied that these have been duly executed in Terms of the Plans and Specifications, and on Proof that the Property of the said Dwelling Houses has been duly vested in the Association, free from Heritable Debt or Burden other than Feu Duty or Ground Annual, and other Right competent to the Superior or Recipient of the Feu Duty or Ground Annual, he shall pronounce an Interlocutor to that Effect, and until such Interlocutor shall have been pronounced it shall not be lawful for the Association or its Members to dispone in Tack, as after mentioned, any of the Dwelling Houses erected or improved by them, nor to assign or transfer any Share or Shares in such Association.

When Work duly executed Sheriff to declare so, and till then not lawful to let or dispose of Houses nor transfer Shares.

VI. It shall not be lawful to nor in the Power of the Association to enter into any Engagement except for carrying into effect the Objects thereof, nor for that Purpose beyond the Capital subscribed, nor afterwards beyond the Rents derived from Tenants which may be realized at the Time: Provided always, that if the Expense actually incurred in the Erection or Improvement of the said Dwelling Houses shall exceed the estimated Cost, it shall be lawful for the Association, with the Sanction of the Sheriff or Dean of Guild, although not specially provided for in the Contract, to increase their

No Engagement lawful except for Purposes of Association or beyond Stock or Rents.

Capital Stock by such Amount as such Sheriff or Dean of Guild shall authorize, and to issue new Shares to the Extent thereof.

Title of Association to be effectual in perpetuity, without Renewal of the Investiture.

VII. When the Association shall have made up their Title in common Form to the Lands, Houses, or other Subjects acquired by them, their Infeftment therein, duly recorded, shall constitute a valid and effectual Title to them and their Successors in all Time to come, without the Necessity of any Renewal of the Investiture: Provided always, that where no Agreement shall have been made with the Superior for a periodical or other Payment in lieu of the Casualty or Composition payable upon the Entry of Heirs and singular Successors, it shall be lawful for such Superior at the Death of the existing Vassal, and at the Expiration of every Twenty-five Years thereafter, so long as such Property shall be held for the Purposes of such Contract as aforesaid, to demand and take from the Association or their Successors a Sum equal to the yearly Feu Duty over and above the Feu Duty which may at the Time be due.

Rules in Contract to be Real Burdens on the Property.

VIII. The Rules anent the disponing in Tack, letting, and Occupation of the said Dwelling Houses contained in the Contract registered as aforesaid shall be Real Burdens on and affecting the said Houses and other Subjects of the Association, and shall be in all Time coming binding upon the Association, and all Parties in their Right, and upon every Owner and Occupant of the said Dwelling Houses, and it shall be competent to the Association, or the Procurator Fiscal, or the Owner or Occupant of any of the Lots or Portions of the Buildings, to enforce Observance of such Rules against any Party infringing or not implementing the same by summary Process before the Judge Ordinary of the Bounds; and the Sheriff and Dean of Guild shall have Power from Time to Time, on the Application of the Association, or of a Majority of the Owners, to alter, amend, and modify such Rules as to him shall seem just, but consistently always with the Provisions of this Act, and all Alterations so made shall be recorded in the Sheriff Court Books or Burgh Court Books, and the Rules so altered, amended, or modified shall thenceforward be binding and enforcible as aforesaid.

Shares of Capital Stock to be deemed Moveable Estate.

IX. All Shares of the subscribed Capital Stock of such Association shall be held to be Moveable or Personal Estate.

Transfer of Shares.

X. All Transfers of such Shares shall be made and registered in the Manner prescribed by the Contract, provided that every such Transfer shall specify the full and true Purchase Money or Consideration for the same, and shall be duly stamped to denote the Duty chargeable thereon; and the Books in which the Names of the Shareholders, with their Designations and Places of Residence, and the Transfers

Transfers of Shares are registered or entered, shall be open to Inspection to all Shareholders and others interested at such Times and on such Conditions as may be regulated by the Contract.

Contract may provide either that Houses may be held and let or that they may be disposed of in separate Lots. Mode of voting in latter Case.

XI. It shall be provided in such Contract as aforesaid, either that the Buildings erected or improved by the Association shall permanently be held and let by them without Grassums, and for Periods not exceeding Twenty-one Years, and that the Rents, after deducting necessary Expenses, shall always be divided among the Shareholders for the Time being, or that the Association shall have Power, *after giving public Notice by Advertisement of its Intention in that Behalf*, to dispone to Individuals, in Tack or rental Rights as hereinafter mentioned, separate Lots of the said Dwelling Houses for a Grassum or Price to be paid, together with a yearly Tack Duty which for each Lot shall be at least equal to a Proportion of the Feu Duty or Ground Annual, if any, payable for the Parcel of Ground whereon the Buildings of which such Lot forms a Part are erected, corresponding to the total Number of Lots into which the same may be divided, with Twenty-five per Cent. thereon in addition, and such Tack Duty in all Cases in which the Superior is entitled to a periodical Duplicand of the Feu Duty shall be subject also to Duplication for the Year in which such double Feu Duty is payable to the Superior.

Where Lots are provided to be disposed of, the Association to lodge with Sheriff Clerk a Plan and a Register Book for recording Transfers thereof.

XII. In all Cases in which it is provided by the Contract that Lots of the Buildings erected or improved may be so disponed, the Association shall, so soon as the Sheriff or Dean of Guild shall have pronounced an Interlocutor finding the Erection or Improvement of the Dwelling Houses as aforesaid to have been properly executed as herein-before provided, lodge with the Sheriff Clerk or Town Clerk an accurate Plan, on a Scale of not less than an Inch to each Twenty Feet, of such Dwelling Houses, exhibiting distinctly each separate Dwelling with its bounding Divisions, together with the Yard, Court, Garden, Green, or other Pertinents, if any, thereto belonging, and having each such separate Dwelling and Pertinents marked with a distinct Number legibly written or impressed on the said Plan, and also exhibiting any Yard, Court, Green, or other Pertinents which may be common to the Occupants of the Dwelling Houses; and the Sheriff or Dean of Guild, if satisfied of the Accuracy of such Plan, and with its Distinctness as clearly exhibiting each separate Dwelling and the Pertinents aforesaid, shall, by a Docquet written thereon, or on each separate Sheet thereof when consisting of separate Sheets not joined together, and subscribed by him and bearing the Date at which the same is so subscribed, certify such Plan as the recorded Plan of the said Dwelling Houses; and the Association shall also lodge with the Sheriff Clerk or Town Clerk a

Register or Rental Book having all the Pages duly and progressively numbered from Number One onwards, and having an equal Number of the whole Leaves thereof in proportion to the total Number of Dwellings appropriated for entering the Tack or Rental Right of each Dwelling respectively, and the Transfers thereof, and in the Order of the Numbers of such Dwellings as marked on the Plan, the Number of each Dwelling as so marked on the Plan being, in addition to the Number of the Page, legibly impressed or written on each Page of the several Leaves appropriated to each such Dwelling respectively, and this Book shall, of the same Date with that on which the Plan is docqueted, be certified by a Docquet subscribed by the Sheriff or Dean of Guild with the Date of his Subscription to be the Register or Rental Book for the Tacks or Rental Rights of the several Lots of the Buildings erected or improved by the Association under each separate Warrant as aforesaid, and the Transfers thereof; and the said Plan and Register Book shall permanently remain in the Custody of the said Sheriff Clerk or Town Clerk, and no Transfer of the Tack or Rental Rights of any such Lot or Dwelling House shall be valid or effectual unless entered as hereinafter provided in the said Book.

Mode of disponing Lots by the Association.

XIII. Whensoever the Association shall grant to any Person a Tack or Rental Right of any of the Lots of their said Buildings, the same shall be so granted by an Entry at the Top of the First Page of the Leaves appropriated to the particular Lot or Dwelling to be so disponed in the Form of the Schedule (A.) hereunto annexed, subscribed, in Presence of the Sheriff Clerk or Town Clerk and Two Witnesses, by the Chairman or Clerk of the Association and by the Party accepting the Tack or Rental Right, or by some Person authorized by a written Mandate in the Form of the Schedule (B.) hereunto annexed to accept on his Behalf, and which Mandate shall be lodged with the Sheriff Clerk or Town Clerk, and recorded in the Sheriff Court or Burgh Court Books; and the said Sheriff Clerk or Town Clerk and the Two Witnesses shall attest the said Entry by their Subscriptions, and such Tack or Rental Right shall thereby be completed, and shall be valid and effectual notwithstanding of no Ish being stipulated thereto to the Party in whose Favour it shall have been granted, and to his Heirs and Assignees, who shall thenceforward be entitled to the perpetual Possession, Use, and Enjoyment of the Lot or Dwelling so disponed and the Pertinents thereof, if any, with the Share effeiring thereto of any common Privileges and Accommodations provided for or belonging thereto, subject always to the Rules and Conditions of the Contract, with Power to occupy, let, and transfer or assign the Right to such Lot or Dwelling, subject to such Rules and Conditions; and he and they shall not be liable for, nor shall the Lot or Dwelling itself,

itself, or the Furniture or Effects therein, be subject to any Charge, Debt, or Burden affecting the Buildings or Site thereof, or due by the Association, to any Extent beyond the Tack Duty payable for such Lot: Provided always, that this Provision shall not be construed as freeing such Owners from any public or parochial Rates or Taxes to which they may be liable by Law in respect of their Right to or Occupation of such Lot or Dwelling, nor from any Restrictions, Limitations, or Conditions contained in the feudal Investiture, and to which they would otherwise in Law be subject, in so far as not expressly modified by this Act.

Recovery of Feu Duty.

XIV. If when Tacks or Rental Rights have been granted as aforesaid the Association, or the Owners in their Place, shall in any Year fail to make due Payment to the Superior in One Sum of the yearly Feu Duty or Duplicand thereof when claimable, such Superior shall be entitled to recover from each Owner the Tack Duty or Duplicand thereof payable by him for such Year, and in consideration of his Trouble and Expense in separately collecting the same to appropriate the whole of the Tack Duties to his own Use, notwithstanding their exceeding by Twenty-five per Cent. the Amount of Feu Duty or Duplicand to which he may have Right; but he shall not in any event be entitled to exact from any such Owner a greater Sum than the Tack Duty stipulated in his Tack or Rental Right, or the Duplicand thereof, as the Case may be; and no Poinding of the Ground shall be competent for the Recovery of any Feu Duty or Duplicand thereof, or of any Casualty or Ground Annual, from any Owner, except to the Extent of such Tack Duty or Duplicand thereof, as the Case may be.

Powers of Owners in repairing and rebuilding.

XV. The Owner of each separate Tenement, and the several Owners of the Lots or Dwellings in each separate Tenement, shall have Power to uphold, repair, and when necessary rebuild such Tenement, subject to the Rules herein-before mentioned; and the Resolutions of the Majority of such several Owners in all Matters concerning such repairing, upholding, and rebuilding, in so far as not inconsistent with such Rules, shall bind the Minority, and the Majority shall be entitled to sue the Minority for the Enforcement of such Resolutions by summary Process before the Sheriff or Dean of Guild, who shall have Power to determine the Proportion of the Cost of such repairing, upholding, and rebuilding to be borne by each Owner when disputed; and if the Association shall at any Time be dissolved or cease to exist, the Owners for the Time being of the Lots of the Dwelling Houses erected on any Parcel of Ground held by One Title and under a single Superior shall be deemed their Successors, to the effect of constituting as a Society or Corporate Body the Vassal in such Ground, but without being subject to any

further Obligation or Liability than is herein-before provided in regard to such Owners.

Subsequent Transfers.

XVI. All Transfers of Tacks or Rental Rights to such Lots or Dwellings shall be made by Entry in the said Register or Rental Book under the Number of the Lot or Dwelling to be transferred as marked on the Plan, and next after the immediately preceding Transfer, in the Form of the Schedule (C.) hereunto annexed, and the same shall be subscribed in Presence of the Sheriff Clerk or Town Clerk and Two Witnesses, by the Party making and by the Party accepting the Transfer, or their respective Mandatories duly authorized by written Mandate lodged and recorded as aforesaid, and also by the said Sheriff Clerk or Town Clerk and Witnesses; and thereupon the Party in whose Favour such Transfer is made shall be vested with the Right transferred, as the same subsisted in the Party to whom it was originally granted by the Association when so originally conveyed, and free from all Burdens, Debts, and Claims through or in right of the Granter of the Transfer or any previous Owner.

Mode of registering Right of the Representative of a Party deceased.

XVII. Where any Party in right of any such Lot or Dwelling as aforesaid shall have died without executing a Transfer thereof in manner above mentioned, the Person claiming Right thereto, whether by Succession, or in virtue of any Deed of Settlement or Conveyance by the Deceased, shall apply to the Sheriff or Dean of Guild for his Warrant to be entered in the Register or Rental Book, as now in right of such Lot or Dwelling; and the Sheriff or Dean of Guild if satisfied, after such Intimation of the Application as he may deem proper, and hearing such Parties duly interested as may appear to oppose the same, that the Applicant is justly entitled to such Lot or Dwelling, shall, without any Service or other Process at Law, cause an Entry to that Effect in the Form of the Schedule (D.) hereunto annexed to be made in the Register or Rental Book under the Number of the Lot or Dwelling held by the Deceased, and next after the Transfer in favour of the Deceased, which Entry shall be subscribed by the said Sheriff or Dean of Guild and by the Sheriff Clerk or Town Clerk, and thereupon the full Right to such Lot or Dwelling, with the Pertinents and Privileges thereto belonging, shall be vested in such Applicant.

Inhibitions and Adjudications.

XVIII. Where any Party shall have used Inhibition or obtained Decree of Adjudication against the Owner of any such Lot or Dwelling as aforesaid, the Sheriff Clerk or Town Clerk shall, on the Letters of Inhibition or an Extract of the Decree of Adjudication being presented to him, make an Entry of the same on the Margin of the Register or Rental Book, opposite the Entry of such Owner's Right, specifying the Name of the Inhibiter or Adjudger, with the Date

Date of the Inhibition or Adjudication, the Registers in which they are recorded, and the Date of recording, together with the Date of such Entry; and if such Inhibiter or Adjudger fail to get such Entry made, the Inhibition or Adjudication shall not affect or burden such Lot or Dwelling, or the Owner thereof in reference thereto, or any Purchaser from such Owner; but while such Entry of an Inhibition or Adjudication remains not marked as recalled or discharged, and the Sheriff Clerk or Town Clerk is hereby required so to mark it on legal Proof of Recal or Discharge being presented to him, no Transfer shall be entered by such Sheriff Clerk or Town Clerk, or, if entered, it shall not be available as against such Inhibiter or Adjudger; and where an Adjudger shall have obtained Decree of Declarator of Expiry of the Legal, it shall be lawful for him to apply to the Sheriff or Dean of Guild to be registered as the Owner in Right of the Tack or Rental Right of his Debtor, and in like Manner it shall be lawful for any Adjudger in Implement, or for the Trustee on the sequestrated Estate of any Owner, to apply to the Sheriff or Dean of Guild to be regis tered as Owner in his Place, and the Sheriff or Dean of Guild shall, on Production to him of an Extract of the Decree of Declarator, or of Adjudication in Implement, or of a duly certified Copy of the Act and Warrant of Confirmation of such Trustee, cause an Entry in Form of the Schedule (E.) to this Act annexed to be inserted in the Register or Rental Book under the Number of the Lot or Dwelling belonging to the Debtor or Bankrupt, and next after the Transfer in his Favour, and thereupon the full Right to such Lot or Dwelling, with the Pertinents and Privileges thereto belonging, shall be vested in such Adjudger, Adjudger in Implement, or Trustee.

Each Dwelling shall constitute a distinct Lot not liable to Subdivision.

XIX. Each separate Dwelling shall constitute a distinct Lot, and shall consist of not less than Two nor more than Five Rooms with Fireplaces, and it shall not be competent or lawful to divide any of such Lots or Dwellings into Shares or separate Properties, but each Lot or Dwelling shall at all Times be transferred and pass whole and undivided.

Fees for recording Entries in Register Book.

XX. The several Entries aforesaid in the Register or Rental Book shall be written by the Sheriff Clerk or Town Clerk, or by a Clerk employed by him and under his Direction and Supervision, and such Sheriff Clerk or Town Clerk shall be entitled to charge and to receive for each First Grant of a Tack or Rental Right of any Lot or Dwelling, including the first Extract thereof, a Fee of Ten Shillings, and for each subsequent Transfer or Entry, including the first Extract thereof, a Fee of Five Shillings, and for the Entry of an Inhibition or Adjudication, or the marking of the Recal or Discharge thereof, a Fee of One Shilling respectively.

The Stamp Duties on Tacks and Transfers may be denoted by impressed or adhesive Stamps.

Adhesive Stamps to be adapted for certain Particulars.

XXI. The Stamp Duties by Law chargeable upon or in respect of the Tacks to be made in pursuance of this Act, and of the Transfers thereof, may be denoted either by Stamps impressed upon the Paper upon which the same are made or entered, or by adhesive Stamps to be provided by the Commissioners of Inland Revenue, and to be affixed thereto, and such adhesive Stamps shall be adapted for writing thereon the Name or Title of the Association, the Names of the Parties to the Instrument to which the same shall be affixed, and of the Sheriff Clerk or Town Clerk, and the Date of such Instrument or of the Entry thereof, and of the Number of the Lot or Dwelling to which the same relates as marked on the Plan; and every such Stamp at or before the Execution or signing of the Instrument to which the same shall be affixed shall be signed in the Places appropriated for the Purpose by the Persons who shall execute or sign such Instrument, and the Sheriff Clerk or Town Clerk, with their Names respectively (and shall be truly filled up with all such other Particulars relating to such Instrument for which the same shall be adapted); and in default the Instrument to which the same shall be affixed shall be deemed to be not duly stamped, and the Sheriff Clerk or Town Clerk who shall attest or sign any such Instrument upon or to which the full and proper Stamp Duty is not impressed or affixed according to the true Intent and Meaning of this Act shall forfeit the Sum of Twenty Pounds.

Register Book open to Inspection, and Extract of Entries to be received in Evidence.

XXII. The Register or Rental Book shall be open to Inspection, under such Regulations as the Sheriff or Dean of Guild may appoint, by all Parties desirous to search the same; and for every Search a Fee of One Shilling shall be payable to the Sheriff Clerk or Town Clerk in respect of each separate Lot or Dwelling as to which such Search shall be made; and the Sheriff Clerk or Town Clerk shall be bound to give to any Person demanding the same a certified Extract of any Entry in the Register Book on receiving for the Extract of each such Entry a Fee of Two Shillings and Sixpence, and such Extract shall bear Faith and be admissible in Evidence in any Court of Law or Equity, and when accompanied by a Certificate under the Hand of the Sheriff Clerk or Town Clerk that no subsequent Transference of the Lot or Dwelling to which it applies appears on the Register Book, it shall be sufficient Proof that the Person therein set forth as the Party to whom such Lot or Dwelling has thereby been transferred is the Owner of such Lot or Dwelling.

Power to acquire dilapidated or noisome Buildings in Towns.

XXIII. Where there shall exist within a Town or Burgh any *Building or* Range or Block of Buildings which, by reason of Faults in their original Construction or of the State of Dilapidation into which they

they may wholly or partially have fallen, are unsuitable for Dwelling Houses, and the Occupation of which in their existing State and Condition is attended with Risk of Injury or Disease to the Inhabitants or the Neighbourhood, or which, by reason of the Abandonment of the whole or Part thereof by the Parties having the legal Title thereto, or of Uncertainty or Ignorance as to who such Parties may be, may have become a Receptacle or Place of Harbourage for Persons of dissolute and vicious Character, or in any way a Nuisance to the Neighbourhood, it shall be lawful for any such Association as aforesaid desirous of acquiring the same for the Purpose of improving and repairing such Buildings, or of erecting new Dwelling Houses on the Site thereof, for Dwellings for the Working Classes under this Act, to apply ~~by summary Petition, with the Consent of~~ *to* the Magistrates and Town Council of the Town or Burgh *for their Consent to the Application to the Court of Session herein-after mentioned; and the said Magistrates and Town Council, if satisfied, upon such Inquiry as they may think necessary, the Expense of which shall be borne by the said Association, that the State of such Building or Block of Buildings, from One or more of the Causes above mentioned, gives Occasion to the Risk of Injury or Disease to the Inhabitants or Neighbourhood, or that they afford Harbourage to Persons of a vicious or dissolute Character, or otherwise constitute a Nuisance to the Neighbourhood, may require the Proprietors or reputed Proprietors of such Buildings, or their Factors or Agents, so far as such Proprietors, reputed Proprietors, Factors, or Agents may be known, within Three Months after Requisition made to them to grant Obligation to execute, within such reasonable Time as the Magistrates and Town Council may fix, such Operations in the way of rebuilding, altering, repairing, draining, or otherwise, as the said Magistrates and Town Council may deem necessary for the Avoidance of such Risk or Nuisance in Time to come, and also to find Security to their Satisfaction that such Buildings shall not thenceforward be allowed to afford such Harbourage as aforesaid; and if within the said Three Months no such Obligation be granted, or no such Security be found, or if within the Period fixed by the said Magistrates and Town Council such Obligation, if granted, shall not be implemented, it shall be lawful for them to give such Consent as aforesaid, and on such Consent being given it shall be lawful for such Association to apply by summary Petition* to the Court of Session, in either of its Divisions, for Authority to acquire ~~the same~~ *such Building, or Range or Block of Buildings*, for the Purposes aforesaid or either of them, at a Price to be fixed in manner herein-after provided, and to have the same adjudged to them for such Purposes.

Court may remit to Sheriff to ascertain Value.

XXIV. On such Petition being presented the said Court shall order Service thereof upon the ~~Owners~~ *Proprietors* or reputed ~~Owners~~ *Proprietors* of the Property sought to be acquired, or their Factors and Agents, so far as such ~~Owners~~ *Proprietors*, reputed ~~Owners~~ *Proprietors*, or Factors may be known ~~and resident in Scotland,~~ and such Intimation by public Advertisement as they shall deem proper; and after hearing any of such ~~Owners~~ *Proprietors* as may make Compearance, and after such Inquiry by Report of skilled Men or otherwise as they may see fit, *the Expense whereof shall be borne by the Association*, if satisfied that the State of the Buildings sought to be so acquired gives Occasion to the Risk of Injury or Disease to the Inhabitants or Neighbourhood, or that they afford Harbourage to Persons of dissolute or vicious Character, or otherwise constitute a Nuisance to the Neighbourhood, and that it would be for the public Advantage that the said Buildings or any Portion thereof should be acquired for and appropriated to the Purposes aforesaid, they shall pronounce an Interlocutor containing their Finding to such Effect, and remitting to the Sheriff to take Steps for having a Price or Value put upon the same; *and if the said Court shall refuse such Petition, they shall have Power to award against the Association, to any Parties appearing and opposing the same, the whole or such Part of the Expenses incurred by them as to the said Court shall seem just.*

Sheriff to ascertain Value according to Provisions of Land Clauses Act.

XXV. On the Remit so made being presented to the Sheriff, he shall forthwith proceed to have the Price or Value of the said Buildings and Site thereof determined according to the Provisions for determining the Value or Compensation to be paid for Lands and Heritages taken for public Undertakings contained in an Act passed in the Eighth and Ninth Years of Her Majesty, Chapter Nineteen, intituled "An Act for "consolidating in One Act certain Provisions usually inserted in Acts "authorizing the taking of Lands for Undertakings of a public Nature "in Scotland:" Provided always, that a separate Price shall be ascertained for every Part or Portion of such Buildings known to belong to distinct Proprietors.

Value or Price, when ascertained, to be lodged in Bank in Name of Accountant of Court of Session, and Court thereupon to adjudge Property to Association.

XXVI. When such Price or Value shall thus have been fixed, the Association shall within Fourteen Days thereafter pay into any of the chartered Banks of Edinburgh the Amount so fixed, with ~~a Per-centage thereon~~ *an additional Sum on the Price of each separate Property*, conform to the Rates set forth in the Schedule (F.) to this Act annexed, to provide for the Expenses herein-after mentioned, the Money so lodged being placed to the Credit of the Accountant for the Time being of the Court of Session, *and the Association shall further lodge with the Accountant Certificates of a complete Search of*

of Incumbrances in reference to each such Property; and on such Accountant reporting to the Court that the Money has been so lodged, and that a Receipt therefor in his Name has been delivered to him, *and that Certificates of a complete Search of Incumbrances as aforesaid have also been lodged with him*, the said Court shall adjudge and decern the Buildings aforesaid and Site thereof, or such Portion of the same as they may have found it for the public Advantage to be acquired as aforesaid, and the Price or Value of which has been duly lodged in the Bank as herein-before provided, to belong to the Association for the Purposes aforesaid, and on an Extract of their Decree being recorded in the General or Particular or Burgh Register of Sasines, which the Keeper of such Register is hereby required to record on Payment of the usual Fees when the same is presented to him, the absolute Right of Property in and to the said Buildings and the Ground whereon they stand, with the Pertinents and Appurtenances thereof, shall be vested in the said Association and their Successors without any other Title, and these shall thenceforward belong to and be held by the said Association and their Successors for the Purposes foresaid, free from all Right of Challenge on the Part of any Person claiming to have been the true Owner thereof, or to be in Right of the true Owner, and free from all Heritable Securities or Burdens other than any Feu Duty or Casualty payable to the Superior, or any Right of Servitude belonging to the Proprietors of neighbouring Tenements: Provided always, that where no Agreement shall have been made with the Superior for a periodical or other Payment in lieu of the Casualty or Composition payable upon the Entry of Heirs and Singular Successors, it shall be lawful for such Superior, at the Death of the existing Vassal, and at the Expiration of every Twenty-five Years thereafter, so long as such Property shall be held for the Purposes aforesaid, to demand and take from the Association or their Successors a Sum equal to the yearly Feu Duty over and above the Feu Duty which may at the Time be due; and the Money lodged as aforesaid as the Price or Value of such Buildings, and the Site thereof, or of any Part of the same, shall be a Surrogate for the Buildings themselves, and Site thereof, or Portion thereof respectively, to the Proprietors and all Parties claiming any heritable Right, Burden, or Security in or over the same; and such Money, till paid as herein-after mentioned, shall be subject to all Claims by such Proprietors or other Parties to which the Buildings, and Site or Portion thereof, if not acquired as aforesaid, would have been subject.

Accountant to receive Claims on Money lodged;

XXVII. So soon as the Decree of Adjudication shall have been pronounced as aforesaid, the Accountant of the Court of Session shall, by such special Intimation and public Advertisements as he shall

shall deem proper, the Expense of which Intimation and Advertisements shall be defrayed out of the Per-centage herein-before mentioned, call all Parties claiming to be Proprietors or to be entitled to any Annuity, Heritable Debt, or other Burden out of the Buildings aforesaid or Rents thereof, to compear before him by themselves or their Agents, and to lodge with him a written Statement of their Claim, together with the Titles or other Deeds or Writings establishing the same, and such Parties shall be entitled to apply, by Motion, to the Division of the Court of Session in which the Petition for Adjudication shall have depended, for a Diligence to recover such Titles, Deeds, or Writings necessary to establish their Claim as may not be in their own Possession, and the said Court shall do thereon as shall seem to them to be just.

and to prepare a Scheme of Division.

XXVIII. On receiving the Claims which shall be so lodged, with the Titles, Deeds, and Writings produced, the said Accountant shall consider the same, and shall have Power to call for such Explanations or further Productions, and to take such Assistance by the Opinion of professional or skilled Persons as he may deem necessary, and to hear competing Parties, if any such appear before him; and thereupon he shall prepare a Scheme of Division and Payment of the said Price or annual Proceeds thereof, according to the respective Rights and Interests of the Parties, as to those Portions of the Price to which, or to the annual Proceeds whereof, he is satisfied that a valid Right has been instructed; and he shall append to such Scheme a Statement of those Portions of the Price to which, in his Opinion, no valid Right has been instructed, or in regard to which no Claim may have been made, *or which may be required to satisfy or secure any Rights appearing from the Search of Incumbrances, and remaining undischarged, as to which no Claim has been entered or established*, and he shall cause public Notice, by such Advertisement as he may deem proper, to be made, that the said Scheme has been prepared, and that it lies for Inspection at his Office, or at some other suitable Place appointed by him for that Purpose; and the said Scheme shall accordingly lie there, open for Inspection to all Parties interested for a Period of not less than Three Weeks from the Date of the First Advertisement.

Party dissatisfied with Scheme may appeal to Court of Session.

XXIX. It shall be competent for any Claimant or Party competing who shall be dissatisfied with the proposed Scheme of Division, to appeal against the same, so far as objected to by him, by Note to the Division of the Court of Session in which the Petition for Adjudication depended; and the said Court, after hearing Parties, shall dispose of the said Appeal *and the Expenses thereof* as to them shall seem just.

XXX. At

XXX. At the Expiry of the Period allowed for the Inspection of the Scheme of Division as aforesaid, the said Accountant shall grant Orders on the Amount lodged in Bank in his Name as aforesaid, for Payment of the Sums set forth in the said Scheme of Division, or the annual Proceeds thereof, as to which no Appeal has been taken, in favour of the Parties to whom those have been allotted in the said Scheme, and so soon as any Appeals that may have been taken shall have been disposed of by the said Court, he shall grant Orders for Payment of such Sums as may have been the Subjects of such Appeal in accordance with the Judgments of the Court pronounced thereupon; and in regard to any Portions of the Price as to which no Claim may have been made, *or which he may have considered necessary to satisfy or secure Rights appearing from the Search of Incumbrances,* or as to which he may have found that no valid Right has been instructed, and his Finding to this Effect may not have been appealed against, or, if appealed against, may have been adhered to by the Court, the said Portions of the Price shall be retained by him, subject to the Directions of the Court in regard to its Investment, till a valid Right shall have been instructed: Provided always, that it shall be competent for any Party conceiving himself to have Right thereto to lodge with the said Accountant at any Time thereafter his Claim, which, after being publicly intimated by such Party as the said Accountant may direct, shall be dealt with and disposed of in the Manner herein-before provided as to the Claims originally lodged as aforesaid.

Accountant to divide Price, retaining the Amount unclaimed or to which no Right made good.

XXXI. The Expense of Advertisements and Intimations required as aforesaid to be made by the said Accountant, and of taking any Opinion of professional or skilled Men which he may deem necessary, and of framing and reporting to the Court the Scheme of Division, shall be defrayed by him out of the ~~Per-centage~~ *Sum beyond the Price* to be deposited as herein-before mentioned, and any Balance thereof remaining after such Scheme has been framed shall be repaid by him to the Association, and *any further Sum which may be required to meet such Expenses shall be paid by the Association, and as to* all other Expenses ~~shall be borne by~~ *of* the respective Claimants and Objectors ~~and in the event of Competition and Appeal,~~ the Court shall have Power to award ~~Expenses as to them~~ *Payment thereof by and to such Persons as to the said Court* may seem just.

Expenses of Procedure.

XXXII. The said Accountant shall annually lay before the First Division of the Court of Session a State of the Monies lodged in his Name under this Act, and not paid away and distributed as aforesaid, and the said Court shall give such Directions as to the Investment thereof, and of the accruing Interests, and as to the Publication of such State as to them may seem proper, the Expense of such Publication being defrayed out of such accruing Interest.

Accountant yearly to lay before Court a State of retained Monies.

Interest on Monies lodged in Bank to be yearly added to Capital.

XXXIII. Every Bank with which any of the Monies aforesaid shall be deposited in Name of the said Accountant shall, once at least in every Year, accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest together as Principal; and any Bank failing so to do shall be liable to account as if such Money had been so accumulated.

Sheriff may in certain Cases sanction the Disposal of the Buildings for other Objects.

XXXIV. It shall be lawful for any such Association as aforesaid, at any Time after the Lapse of Ten Years from the Date of any Warrant authorizing the Erection or Improvement of any Dwelling Houses under this Act, to present to the Sheriff or Dean of Guild an Application praying for his Authority to sell and dispone the Dwelling Houses erected or improved under such Warrant free from the Rules of the Contract recorded as aforesaid, and from the Provisions of this Act: Provided always, that Votes to the Extent of Four Fifths of the Shareholders, or where the Dwelling Houses shall have been disponed in Tack as aforesaid that the Consent of Four Fifths of the Owners of the Dwelling Houses proposed to be sold, shall have been given in favour of the Resolution to make such Application, and the Sheriff or Dean of Guild, if after hearing any Shareholder or Owner who may appear to oppose the same, he shall be satisfied that from Change of Circumstances or other Causes the Objects of the Association will no longer be attained in reference to such Dwelling Houses, may pronounce an Interlocutor authorizing the same, with the Pertinents thereof, to be sold and disponed; and on such Interlocutor being recorded in the Register of Sasines in which the Infeftment of the Association was recorded, the Keeper of which is hereby required to record the same on Payment of the usual Fees, it shall be lawful for such Association to sell and dispone such Dwelling Houses and Pertinents and to grant Dispositions to the Purchaser or Purchasers in common Form, and such Purchaser or Purchasers shall thereupon acquire Right to and shall hold the same free from the Provisions and Rules of the Contract of the Association, and from the Provisions of this Act, and from any Right or Claim on the Part of any of the Shareholders of such Association, or of the Owners, or of any one claiming through or in right of any such Shareholder or Owner, and the Price or Prices of such Dwelling Houses shall, after Deduction of the Expense of selling, be divided at the Sight of the Sheriff or Dean of Guild among the Shareholders or Owners according to their respective Rights and Interests.

Short Title.

XXXV. This Act may be cited for all Purposes as "The Dwelling Houses (Scotland) Act, 1855."

XXXVI. The

XXXVI. The Word "Sheriff" shall mean and include the Sheriff and Sheriff Substitute of the County in which the Property held or proposed to be acquired by the Association is situate; and the Words "Sheriff Clerk" shall include the Sheriff Clerk Depute as well as the Sheriff Clerk Principal, and shall mean, where there are Two or more Wards in any County, the Sheriff Clerk, Principal or Depute, officiating within the Ward in which such Property lies; "Dean of Guild" shall mean the Dean of Guild of the Burgh within which the Property held or proposed to be acquired by the Association is situate, such Burgh being always one of those referred to in the First Section hereof; "Town Clerk" shall mean and include the Town Clerk, Assistant Town Clerk, and Depute Town Clerk of such Burgh; ~~and~~ "Owner" shall mean the Party for the Time being standing on the Register or Rental Book as in right of a Tack or Rental Right of any Lot or Dwelling forming Part of any Dwelling Houses erected or improved under this Act; *and "Proprietor" shall mean any Person, Corporation, Trustee, or others, who, under the Provisions of the Lands Clauses Consolidation (Scotland) Act,* 1845, *are enabled as Owners to sell and convey Lands to the Promoters of an Undertaking.* Interpretation Clause.

CLAUSE A. *Nothing in this Act contained shall exempt any Association established under this Act, or the Rules in any Contract of Copartnery entered into under the same, from the Provisions of any Act or Acts passed in any future Session of Parliament for the better Regulation of such Associations.* *Association not exempted from Provisions of future Acts.*

SCHEDULES.

SCHEDULE (A.)

At in the County of this [*Date*] in Presence of the Sheriff Clerk [*or* Sheriff Clerk Depute *or* Town Clerk] and of the Witnesses hereto subscribing, we [*insert the Name of the Association*] constituted under the "Dwelling Houses (Scotland) Act, 1855," by a Contract sanctioned by the Sheriff [*or* Dean of Guild] of Date and recorded in the Sheriff [*or* Burgh] Court Books of Date , in consideration of the Grassum of hereby dispone in perpetual Tack or Rental Right to *A.B.* [*designing the Disponee*] that Lot of the Dwelling Houses erected [*or* improved] by us at [*Place and County, or Burgh, with Street if in a Town, and Parish if in a Country District,*] under Warrant dated , being Number of the same as marked on the Plan thereof docqueted of Date , at the yearly Tack Duty of [*Sum*] payable at Whitsunday [*or* Martinmas]. And I the said *A.B.* [*or, as the Case may be,* I, *L.M.*, Mandatory for the said *A.B.*, by Mandate dated and recorded in the Sheriff [*or* Burgh] Court Books of Date , on his Behalf] accept this Tack.

(Signed) *C.D.* Chairman, [*or* Clerk] of the Association on their Behalf.

(Signed) *A.B.*

(Signed) *E.F.* [*designing him with his Residence*] Witness.

(Signed) *G.H.* [*designing him with his Residence*] Witness.

Executed before me, with proper adhesive Stamp affixed,

(Signed) *I.K.* Sheriff [*or* Town] Clerk.

SCHE-

SCHEDULE (B.)

I *A.B.* [*Designation*] authorize *C.D.* [*Designation*] to accept [*or* grant to *E.F.*] an Assignation to Lot, Number , of the Dwelling Houses erected by [*Name of Association*] at , under Warrant of Date , and to subscribe the Entry of such Transfer in the Register Book on my Behalf. [*Testing Clause according to the Form of the Law of Scotland.*]

SCHEDULE (C.)

At in the County of this [*Date*] in Presence of the Sheriff Clerk [*or* Sheriff Clerk Depute *or* Town Clerk] and of the Witnesses hereto subscribing, I, *A.B.*, [*Designation*] [*or, as the Case may be*, I, *G.H.* Mandatory for *A.B.*, *designing him*, by Mandate dated and recorded in the Sheriff *or Burgh* Court Books of Date] in consideration of the Price of assign to *C.D.* [*Designation*] my Tack of Lot, Number , of the Dwelling Houses erected by [*Name of Association*] at [*Place*], under Warrant, dated , and I the said *C.D.* [*or, as the Case may be*, I, *E.F.*, Mandatory for the said *C.D.*, by Mandate, dated and recorded in the Sheriff [*or* Burgh] Court Books of Date on his Behalf,] accept this Transfer.

[*To be subscribed as in Schedule* (*A.*)]

SCHEDULE (D.)

At in the County of this [*Date*] the Sheriff [*or* Sheriff Substitute *or* Dean of Guild] having considered the Application of *C.D.* [*designing him*] to be registered as Owner of Lot, Number of the Dwelling Houses erected at [*Place*] by [*Name of Association*], under Warrant of Date , in place of the deceased *A.B.* [*designing him*] as his Heir, [*or* in virtue of Disposition or Deed of Settlement by the said *A.B.*, dated and recorded of Date in the *as the Case may be*,] finds that the said *C.D.* is now in right of the said Lot, and the Owner thereof, and he is hereby registered as such accordingly.

(Signed) *E.F.*

(Signed) *G.H.*, Sheriff [*or* Town] Clerk.

SCHEDULE (E.)

At in the County of this [*Date*] the Sheriff [*or* Sheriff Substitute *or* Dean of Guild] having considered the Application of *C.D.* [*designing him*] to be registered as Owner of Lot, Number , of the Dwelling Houses erected at [*Place*] by [*Name of Association*] under Warrant of Date the in Place of *A.B.* [*designing him*] in virtue of an Adjudication and Decree of Expiry of the Legal thereon of Date [*or* in virtue of a Decree of Adjudication in Implement of Date *or* in virtue of an Act and Warrant of Confirmation in favour of the said *C.D.*, as Trustee on his sequestrated Estate, of Date], finds that the said *C.D.* is now in right of the said Lot as Owner thereof, and he is hereby registered as such accordingly.

(Signed) *E.F.*
G.H., Sheriff [*or* Town] Clerk.

SCHEDULE (F.)

Where the Price does not exceed 500*l.*, Four per Cent. *thereon.*
Where it exceeds 500*l.* but not 1,000*l.*, ~~Three per Cent.~~ *25l.*
Where it exceeds 1,000*l.* but not 2,000*l.*, ~~Two per Cent.~~ *30l.*
Where it exceeds 2,000*l.* but not 5,000*l.*, ~~One per Cent.~~ *40l.*
Where it exceeds 5,000*l.*, ~~One Half per Cent.~~ *50l.*

Dwelling Houses (Scotland).

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to facilitate the Erection of Dwelling Houses for the Working Classes in Scotland.

Ordered, by The House of Commons, *to be Printed*, 25 *July* 1855.

[Bill 273.]

Under 3 oz.

A

BILL

INTITULED

An Act for facilitating the Erection of Dwelling Houses for the Labouring Classes.

Preamble.

WHEREAS it is expedient that Facilities should be afforded for the Erection of healthful and commodious Dwellings for the Labouring Classes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

I. This Act may for all Purposes be cited as "The Labourers Dwellings Act, 1855."

Constitution of Company.

Power to form Company.

II. Any Number of Persons not less than Six may, by subscribing Articles of Association or a Schedule thereto, form themselves into a Company for the Purposes herein-after mentioned: The Articles shall be in the Form set forth in the Schedule hereto, or as near thereto as Circumstances permit: There shall be set opposite to the Name of each Subscriber the Sum subscribed for by him in the Capital of the Company, and his Subscription shall be deemed to imply a Covenant on the Part of himself, his Heirs, Executors, and

Administrators, to pay to the Company the Amount so subscribed for.

Registration of Articles.

III. The Articles shall be registered by the Registrar of Joint Stock Companies, and upon such Registration being made the Subscribers, together with such other Persons as may from Time to Time become Members of the Company, shall be a Body Corporate by the Name prescribed in the Articles of Association, having a perpetual Succession and a Common Seal; but no such Registration shall be made until it is proved to the Satisfaction of the said Registrar that Three Fourths of the proposed Capital has been subscribed for, and that Ten per Centum upon such Capital has been paid up.

Certificate of Incorporation.

IV. The said Registrar shall grant a Certificate stating the Date of the Incorporation of the Company, and such Certificate shall in all Cases be primâ facie Evidence of the Fact of such Incorporation.

Incorporation of Companies Clauses Act.

V. The Companies Clauses Consolidation Act, 1845, shall be incorporated into and form Part of this Act, with the Exception of the Provisions relating to the Recovery of Damages, and to the Provision to be made for affording Access to the Special Act; and in the Construction of the said Companies Clauses Act the Articles of Association shall be deemed to be the Special Act, and the Date of the Incorporation of the Company, as certified in manner aforesaid, shall be deemed to be "the Time of the passing of the Special Act;" and whenever the Term "prescribed" is used in this or in the said incorporated Act, it shall mean "prescribed by the Articles of Association."

Rights and Obligations of Company.

Purpose of Company.

VI. Every Company incorporated under this Act, and herein-after referred to as "the Company" shall be established for the Purpose of providing Dwellings for the Labouring Classes, with or without private Gardens, or with or without common Gardens or Places of common Recreation for the Use of the Inmates of such Dwellings, and for no other Purpose whatever; and for the above Purpose the Company shall have Power to accept Grants and Leases of, and to purchase and hold Land, to erect thereon Dwellings for the Labouring Classes, and to let such Dwellings to Lodgers by the Week or Month, or to demise the same to Lessees for any Estate or Interest not greater than a Term of Twenty-one Years, upon such Terms of Remuneration as they think fit; subject to this Proviso, that the Company shall not be entitled to hold at any One Time more than Ten Acres of Land, except with the Licence of the Committee of Privy Council for Trade.

VII. The

Regulations as to Dwellings.

VII. The following Regulations shall be made respecting any Dwellings provided by the Company; that is to say,

(1.) All such Dwellings shall, as respects Drainage, Ventilation Supply of Water and necessary Conveniences, be constructed and provided in such Manner as may be approved by the General Board of Health, and shall be maintained by the Company in good and sufficient Repair:

(2.) Any Person appointed by the General Board of Health may at all reasonable Times inspect any such Dwellings as aforesaid:

(3.) The Company shall make such Byelaws for regulating the Conduct of the Inmates of such Dwellings, for preserving Order and Decency therein, and for providing for the common Enjoyment of any Places of Recreation or other common Rights and Interests appurtenant to such Dwellings, as may from Time to Time be approved by the General Board of Health; and if the Company neglects to make such Byelaws the General Board may themselves issue the same:

(4.) Penalties not exceeding Forty Shillings for each Offence may be annexed to every Breach of such Byelaws; and the Company may from Time to Time alter any Byelaws made by them, with such Approval as herein-before mentioned.

Permissive Rights of the Company.

VIII. The following Matters and Things may be prescribed by the Articles of Association, and if so prescribed, but not otherwise, shall be binding; that is to say,

(1.) That the Capital of the Company may, with the Approval of the Committee of Privy Council for Trade and subject to such Condition as they shall impose, be increased by the Issue of a prescribed Number of Shares, and of a prescribed Amount:

(2.) That no Premium is to be taken in respect of any Lease granted by the Company:

(3.) That the Interest granted to any Lessee is not to exceed the prescribed Term, such Term being less than Twenty-one Years:

(4.) That the Interest of a Lessee is not to be disposed of without the Consent of the Directors:

But no Power hereby given shall be exercised in such Manner as to prejudice any Right under any subsisting Lease or Contract for a Lease.

Power to mortgage given in certain Cases.

IX. In Cases where it is prescribed by the Articles of Association that the Dwellings belonging to the Company are to be let only to Lodgers by the Week or Month and not for any greater Interval, the Company may, as soon as Half the subscribed Capital is paid up,

borrow on the Security of their Property to the prescribed Amount, such Amount not to exceed One Third of such subscribed Capital; but no Mortgagee shall have Power to eject any Tenant before the Expiration of his Tenancy; and in no other Case shall the Company have Power to borrow Money.

Demises by the Company.

X. The following Rules shall be observed with respect to Demises and Letting made by the Company:

(1.) The Dwellings provided by the Company, with the private Gardens (if any) appurtenant thereto, shall be divided into such Parcels as may be conveniently held in distinct Occupations:

(2.) The Parcels shall be numbered in Arithmetical Progression, beginning with the Figure One, each Parcel being distinguished by a separate Number:

(3.) A Demise of any Parcel shall be made by the Entry in a Registry Book (herein-after called "The Lessees Register Book") to be kept by the Company of the Name of the Lessee, the Number of the Parcel, the Interest granted, and the Rent, if any, to be paid:

(4.) Any Entry so made shall on the Part of the Company operate as a Demise under their Common Seal to the Lessee of the Parcels in respect of which such Entry is made, to be held by him for the specified Term; and there shall be implied therefrom an absolute Covenant on the Part of the Company that they have Power to make such Demise, and on the Part of the Lessee, provided such Entry be made with his Consent testified in Writing under his Hand, a Covenant on behalf of himself and his Heirs to pay the specified Rent:

(5.) No Notice of any Trust, implied, express, or constructive, or of any Charge or Incumbrance, shall be receivable by the Company, or entered on the Lessees Register Book:

(6.) The Interests of the Lessees, other than monthly or weekly Tenants, in the Property of the Company shall be deemed to be Shares in a Capital consisting of the Dwelling Houses of the Company, with their Appurtenances; and in all Cases where such Interests are not restricted to the original Lessee, the Transfer or Transmission of such Interests shall take place in manner in which the Transfer or Transmission of Shares takes place in pursuance of the said Companies Clauses Consolidation Act, 1845, or as near thereto as Circumstances admit; and the Clauses of such last-mentioned Act with respect to the Transfer or Transmission of Shares shall, with the necessary Alterations, be held to apply to the Transfer or Transmission of the Interests of any such Lessees as aforesaid.

XI. The

XI. The Company may purchase the Interest of any registered Lessee, and upon such Purchase being made such Interest shall be deemed to be extinguished, and the Company may demise the Premises so purchased in the same Manner as if no previous Lease thereof had ever before been made. Company may purchase Interest of Lessees.

XII. If any Funds of the Company are advanced to any Person by way of Loan, or are with a View of gaining Profit appropriated to any Purpose other than the Purpose for which the Company is hereby declared to be established, every Director of the Company shall, in addition to any other Liabilities he may be under to replace such Funds, be liable, at the Suit of any Shareholder or other Person, whether implicated or not in such Loan or Misappropriation, to pay to such Shareholder, or other Person, to be applied by him to his own Use, in respect of each such Advance or Misappropriation, a Sum by way of Penalty not greater in Amount than the Sum so advanced or misappropriated, and not less than Half such Sum. Penalty on Misappropriation of Funds.

XIII. If any Dwelling belonging to the Company is insufficiently drained or ventilated, or insufficiently supplied with Water or necessary Conveniences, or is in a bad State of Repair, the General Board of Health may, by Order left at any Office of the Company, or served on any Director of the Company, require the Company, within a reasonable Time, to be specified in such Order, sufficiently to drain, ventilate, and supply with Water and necessary Conveniences, or put in a good State of Repair, such Dwelling; and if Default is made in compliance with the Requisitions of such Notice, the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues; and it shall be lawful for any Justices by whom such Penalty is imposed, if they think fit, to order the Whole or any Part thereof to be laid out in executing the Works in respect of which the Penalty is incurred; and in addition to the above Remedy the said General Board may themselves do the Works required by such Notice, and recover from the Company in a summary Manner the Expenses of so doing the same; but any Order made by the General Board in pursuance of this Section may be appealed against, and, on Application by Motion, be set aside or otherwise modified by any of Her Majesty's Superior Courts of Law at Westminster. Penalty as to Dwellings.

XIV. If any Person obstructs any Inspector of the General Board of Health in the Inspection of any Dwelling belonging to the Company, he shall for each Offence incur a Penalty not exceeding Five Pounds. Penalty on obstructing Inspector.

Miscellaneous.

Incorporation of Part of the Lands Clauses Consolidation Act, 1845.

XV. The Provisions of the Lands Clauses Consolidation Act, 1845, with reference to the Purchase of Lands by Agreement, shall be incorporated with this Act, and shall apply to the Purchase of Land by the Company in pursuance of this Act.

Recovery of Penalties.

XVI. All Penalties imposed by this Act or by any Byelaws made in pursuance of this Act or of any Act incorporated herewith, and all Sums of Money hereby directed to be recovered in a summary Manner, may be recovered in a summary Manner before Two Justices, as directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of "the Peace out of Sessions within England and Wales with respect "to summary Convictions and Orders."

Act not to extend to Scotland.

XVII. This Act shall not extend to Scotland.

SCHE-

SCHEDULE.

Articles of Association of the *Company.*

1. The Name of the Company shall be the Company.
2. The Capital of the Company shall be Pounds divided into Shares of Pounds each. Sect. 6.
3. The First ordinary Meeting of the Company shall be held Days after the Date of the Incorporation of the Company. Sect. 66.
4. The Number of Directors shall be ; but the Company may reduce such Number to any Number not less than and may increase it to any Number not exceeding . Sect. 82.
5. The First Directors of the Company shall be the following Persons; that is to say,* Sect. 83.

* *Insert Names of Directors.*

N.B.—The References in the Margin refer to the Sections of the Companies Clauses Consolidation Act, 1845.

Dwellings for Labouring Classes.

A

BILL

INTITULED

An Act for facilitating the Erection of Dwelling Houses for the Labouring Classes.

(*Brought from the Lords* 23 *July* 1855.)

Ordered, by The House of Commons, *to be Printed*, 26 *July* 1855.

[Bill 274.]

Under 1 *oz.*

(Ireland.)

A

B I L L

TO

Encourage the providing of improved Dwellings for the Labouring Classes in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

Expediency of applying a simple Remedy for the Possession to Dwellings of the Labouring Classes, when provided with Requisites for Comfort and Health.

WHEREAS it would encourage the providing of improved Dwellings for the Labouring Classes in Ireland if the simple Remedy for recovering Possession upon the Determination of the Tenancy under "The Summary Jurisdiction (Ireland) Act, 1851," at present applicable to certain small Tenements in Fair and Market Towns, were made generally applicable to all Tenements of the like Description, wherever situated, but upon Condition that they shall have had at least certain primary Requisites for the Comfort and Health of the Tenants: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I.
Recovery of Possession.

Summary Jurisdiction Act to apply to the following Tenements.

Dwellings.

With or without small Piece of Land.

I. The Fifteenth Section of the said recited Act relating to Small Tenements shall hereafter be applicable to the Recovery of the Possession of any Tenement which shall have consisted of the whole or Part of a Dwelling House:

Which shall have been held without any Land, or with not more than *Half an Acre* of Land as a Garden or cultivated Allotment:

And

Of what Tenure.

And of which the Tenure shall have been at Will, or for any Term not exceeding *One Year:*

At what Rents.

And of which the Rent shall not have exceeded the Rate of *Twenty Shillings* per Month (when situated in any Town), or of *Ten Shillings* per Month (when situated in the Country):

But which shall have had certain Requisites.

Provided, that it shall be proved, upon the Hearing of the Case, that the said Tenement was visited by the Landlord or his Agent within *One Week* previous to his last Acceptance of Rent for the same, and that not only then, but habitually during the preceding *Three Months*, (or during the Tenancy, when it shall have commenced within that Period) the said Tenement had bonâ fide the following Requisites, viz.:—

1. Chimnies.

1. A sufficient Chimney built of Stones or Bricks, and Mortar:

2. Windows.

2. A sufficient external Window, with a moveable glazed Sash for the Admission of Air, in each inhabited Room:

3. Separate Rooms.

3. At least *Two* separate Rooms, when the Tenement shall have been inhabited by a greater Number of Individuals than *Two*, not being all of the same Sex:

4. Privies.

4. A sufficient Privy:

5. Fronts clear of Pigsties, Dunghills, &c.

5. A Breadth of at least *Twenty* Feet immediately in front of the Dwelling and extending its whole Length, clear of any Pigsty, or Dunghill, or uncovered Sewer, or Pool of stagnant Water:

But Act may apply where Absence of Requisites is caused by wilful Default of Tenant.

Provided always, that nothing herein contained shall be deemed to prevent the Application of the said Section to any such Tenement, although it may not have had such Requisites at such Times, where the Justices shall be satisfied that the Landlord had taken due care to provide them, but that their Absence was caused by the wilful Act or Default of the Tenant, with a view to defeat the Landlord:

What shall be a sufficient Notice to quit in each Case.

And a written Notice to quit, either delivered to the Tenant, or left for him at his Dwelling, at least *One Week* in the Case of a weekly Tenancy, or at least *One Month* in the Case of a monthly or quarterly Tenancy or a Tenancy at Will, or at least *Three Months* in the Case of a yearly Tenancy, before the Issue of the Summons, shall be deemed a sufficient Notice to determine the Tenancy of any such Tenement, whether such Tenancy shall have been by Agreement in Writing or not.

II. *Recovery of Rent.*

Justices may take an Account of the Rent due by Tenant.

And enforce Payment in same Manner as Wages due by Landlord.

II. It shall be lawful for the Justices, upon the Hearing of the Case (or upon the Hearing of a separate Complaint for Recovery of the Rent, which they are hereby authorized to hear and determine, as to any Tenement which shall have had such Requisites at such Times,) to take an Account of any Rent due by the Tenant to the Landlord, after all just Credits; and to enforce Payment of such Rent by the same Means (but to the same Amounts only) as they could enforce Payment of any Wages, if due by such Landlord to such Tenant, under the Sixteenth Section of the said recited Act relating to Wages:

And

And in taking such Account the Tenant shall be entitled to Credit for such Sum (if any) as the Justices shall think a fair Compensation for any growing Crop sown or planted by him upon the Tenement, but which would be lost to him by the delivering up of the Possession upon the Determination of the Tenancy: Compensation for Crops.

But the Tenant shall be chargeable with such Part of the reserved Rent, in addition to all Rent due to the last Gale Day, as shall be proportioned to the Time during which he shall remain in possession of the Tenement after such Gale Day without the express Consent of the Landlord. Apportionment of Rent.

III. *General Provisions.*

III. It shall be in the Discretion of the Justices to decide what shall be deemed Tenements in Towns and what Tenements in the Country, according to the usual Acceptation of those Terms, the Intent of this Act being that its Provisions shall apply to that Class of Dwellings only which are usually tenanted by the Labouring Classes as Lodgers in Civic Districts and as Cottiers in Rural Districts: As to Distinction between Town and Country. Intent of Act. As to Kind of Tenements.

It shall also be in the Discretion of the Justices to decide whether the said Requisites shall have been sufficient of their Kind, and whether maintained at such Times and in such Manner as shall amount to a bonâ fide Compliance with this Act, the Intent of this Act being, that the Landlord shall not have the Advantage of a summary Remedy where he shall have continued the Tenancy, and accepted the Rent, without having taken due Care that the Dwelling should be effectually and habitually provided with the said Requisites, either by himself or the Tenant, according as the Obligation to do so shall have been agreed upon by the Terms of the Letting: As to Sufficiency of Requisites. As to Duty of Landlord.

Saving Clauses.

Provided always, that nothing in this Act shall be deemed to deprive the Landlord, either before or after the Justices may have declined to interfere, of any Remedy for the Enforcement of his Rights which he might otherwise have in the Superior or other Courts of Law or Equity in Ireland: But Landlord not to be deprived of other Remedies at Law or in Equity.

Provided also, that this Act shall not be deemed to interfere in any way with the Jurisdiction established by the said recited Act as to small Tenements situated in Fair and Market Towns, the last letting of which shall have taken place previous to the *passing of this Act.* And no Alteration of Jurisdiction in Fair and Market Towns as to Tenements let before passing of this Act.

IV. This Act shall be taken and construed, subject to the Interpretation and other Clauses of, and as if it were a Part of, the said recited Act, so far as shall be consistent with the declared Purpose of both Acts. Act to be taken as Part of recited Act.

V. In citing this Act in other Acts of Parliament, or in any legal Instrument or Proceeding, it shall be sufficient to use the Expression "The Cottier Tenant Act, Ireland, 1855." Short Title of Act.

VI. This Act shall only extend to Ireland. Act only to extend to Ireland.

Dwellings for Labouring Classes.

(Ireland.)

A

BILL

To encourage the providing of improved Dwellings for the Labouring Classes in Ireland.

(*Prepared and brought in by Sir William Somerville and Mr. George Alexander Hamilton*).

Ordered, by The House of Commons, *to be Printed*, 24 *May* 1855.

[Bill 149.]

Under 1 *oz.*

21 *June* 1855. 18 & 19 Vict.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Encourage the providing of improved Dwellings for the Labouring Classes in Ireland.

[Note.—*The Schedule was added in Committee.*]

Preamble.

Expediency of applying a simple Remedy for the Possession to Dwellings of the Labouring Classes, when provided with Requisites for Comfort and Health.

WHEREAS it would encourage the providing of improved Dwellings for the Labouring Classes in Ireland if the simple Remedy for recovering Possession upon the Determination of the Tenancy under "The Summary Jurisdiction (Ireland) Act, 1851," at present applicable to small Tenements in certain Towns and Villages, were made generally applicable to all Tenements of the like Description, wherever situated, but upon Condition that they shall have had at least certain primary Requisites for the Comfort and Health of the Tenants: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I.
Recovery of Possession.

Summary Jurisdiction Act to apply to Dwellings, with or without small Piece of Land:

I. The Fifteenth Section of the said recited Act relating to Small Tenements shall hereafter be applicable to the Recovery of the Possession of any Tenement which shall have consisted of the whole or Part of a Dwelling House:

Without any Land, or with not more than Half an Acre of Land used as a Garden or cultivated Allotment:

Held by Agreement in Writing:

And which shall have been held by Agreement in Print or Writing, in the Form in the Schedule to this Act, or in a Form as near thereto as the Circumstances of the Case will admit:

Of what Tenure:

And of which the Tenure shall have been at Will, or for any Term not exceeding One Year:

At what Rents:

And of which the Rent shall not have exceeded the Rate of Twenty Shillings per Month (when situated in any Town), or of Ten Shillings per Month (when situated in the Country):

But which shall have had certain Requisites:—

Provided, that it shall be proved, upon the Hearing of the Case, that the said Tenement was visited by the immediate Landlord or his Agent, proceeding under the Provisions of this Act, within One Week previous to his last Acceptance of Rent for the same, and that not only then, but habitually during the preceding Three Months, (or during the Tenancy, when it shall have commenced within that Period,) the said Tenement had bonâ fide the following Requisites; viz.

1. Chimnies:

1. A sufficient Chimney built of Stones or Bricks and Mortar:

2. Windows:

2. A sufficient external Window, with a moveable glazed Sash for the Admission of Air, in each inhabited Room:

3. Separate Rooms:

3. At least Two separate Rooms, when the Tenement shall have been inhabited by a greater Number of Individuals than Two exceeding the Age of Fifteen Years, and not being all of the same Sex:

4. Privies:

4. A sufficient Privy:

5. Fronts clear of Pigsties, Dunghills, &c.

5. A Breadth of at least Twenty Feet immediately in front of the Dwelling, and extending its whole Length, either belonging to the Dwelling or being a Road or Street, clear of any Pigsty or Dunghill, or uncovered Sewer or Pool of stagnant Water:

What shall be a sufficient Notice to quit in each Case.

And a written Notice to quit, either delivered to the Tenant, or left for him at his Dwelling, at least One Week in the Case of a weekly Tenancy, or at least One Month in the Case of a monthly or quarterly Tenancy or a Tenancy at Will, or at least Three Months in the Case of a yearly Tenancy, before the Issue of the Summons, shall be deemed a sufficient Notice to determine the Tenancy of any such Tenement.

II. *Recovery of Rent.*

Justices may take an Account of the Rent due by Tenant;

and enforce Payment in same Manner as Wages due by Landlord.

II. It shall be lawful for the Justices, upon the Hearing of the Case (or upon the Hearing of a separate Complaint for Recovery of the Rent, which they are hereby authorized to hear and determine as to any such Tenement which shall have had such Requisites at such Times), to take an Account of any Rent due by the Tenant to the Landlord, after all just Credits, and to enforce Payment of such Rent by the same Means (but to the same Amounts only) as they could enforce Payment of any Wages, if due by such Landlord to such Tenant, under the Sixteenth Section of the said recited Act relating to Wages:

And

And in taking such Account the Tenant shall be entitled to Credit for such Sum (if any) as the Justices shall think a fair Compensation for any growing Crop sown or planted by him upon the Tenement, but which would be lost to him by the delivering up of the Possession upon the Determination of the Tenancy: Compensation for Crops.

But the Tenant shall be chargeable with such Part of the reserved Rent, in addition to all Rent due to the last Gale Day, as shall be proportioned to the Time during which he shall remain in possession of the Tenement after such Gale Day without the express Consent of the Landlord. Apportionment of Rent.

III. It shall be in the Discretion of the Justices to decide what shall be deemed Tenements in Towns and what Tenements in the Country, according to the usual Acceptation of those Terms, the Intent of this Act being that its Provisions shall apply to that Class of Dwellings only which are usually tenanted by the Labouring or Working Classes as Lodgers in Civic Districts and as Cottiers in Rural Districts: III. *Intent of Act.* As to Distinction between Town and Country:

It shall also be in the Discretion of the Justices to decide whether the said Requisites shall have been sufficient of their Kind, and whether maintained at such Times and in such Manner as shall amount to a bonâ fide Compliance with this Act, the Intent of this Act being, that the Landlord shall not have the Advantage of a summary Remedy where he shall have continued the Tenancy, and accepted the Rent, without having taken due Care that the Dwelling should be effectually and habitually provided with the said Requisites, either by himself or the Tenant, according as the Obligation to do so shall have been agreed upon by the Terms of the Letting: As to Kind of Tenements: As to Sufficiency of Requisites: As to Duty of Landlord.

Provided always, that nothing in this Act shall be deemed to prevent its Application to any such Tenement, although it may not have had such Requisites at such Times, where the Justices shall be satisfied that the Landlord had taken due Care to provide them, but that their Absence was caused by the wilful Act or Default of the Tenant, with a view to defeat the Landlord: Act may apply where Absence of Requisites is caused by wilful Default of Tenant.

Provided also, that nothing in this Act shall be deemed to deprive the Landlord, either before or after the Justices may have declined to interfere, of any Remedy for the Enforcement of his Rights which he might otherwise have in the Superior or other Courts of Law or Equity in Ireland: *Saving Clauses.* Landlord not to be deprived of other Remedies at Law or in Equity.

Provided also, that this Act shall not be deemed to interfere in any way with the Jurisdiction established by the said recited Act as to small Tenements in certain Towns and Villages the last Letting of which shall have taken place previous to the First of January One thousand eight hundred and fifty-seven. No Alteration of Jurisdiction in Fair and Market Towns as to Tenements let before 1st of January 1857.

When no Rent received, Requisites to be proved to have existed at Commencement of Tenancy.

Provided also, that whenever the Landlord shall not have accepted Rent for any such Tenement subsequent to the Commencement of the Tenancy, it shall be sufficient for the Purpose of this Act to prove that such Tenement had such Requisites at the Commencement of the Tenancy.

Act to be taken as Part of recited Act.

IV. This Act shall be taken and construed subject to the Interpretation and other Clauses of and as if it were a Part of the said recited Act, so far as shall be consistent with the declared Purpose of both Acts.

Short Title of Act.

V. In citing this Act in other Acts of Parliament, or in any legal Instrument or Proceeding, it shall be sufficient to use the Expression "The Cottier Tenant Act, Ireland, 1855."

Act only to extend to Ireland

VI This Act shall only extend to Ireland.

SCHE-

SCHEDULE.

Form of Agreement.

Agreement, under "The Cottier Tenant Act," as to a Tenement in the { County of_____ / Barony (*or* Town) of_____ / Townland (*or* Street) of_____

_____, as Landlord, agrees to let and

_____, as Tenant, agrees to hold the following Tenement; viz. (1)

(1) Description of the Tenement.

situated as above mentioned.

From the_____ Day of_____185___.

By the (2)

(2) "Year," "Quarter," "Month," or "Week."

At the (3) Rent of_____ Shillings and _____pence.

(3) "yearly," "quarterly," "monthly," or "weekly."

It is also agreed (4)

(4) Any special Stipulations.

Signed,_____, Landlord,
this_____Day of_____.

Signed,_____, Tenant,
this_____Day of_____.

Dwellings for Labouring Classes.

(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

To encourage the providing of improved Dwellings for the Labouring Classes in Ireland.

(*Prepared and brought in by Sir William Somerville and Mr. George Alexander Hamilton.*)

Ordered, by The House of Commons, *to be Printed*, 21 *June* 1855.

[Bill 186.]

Under 1 *oz.*

27 *February* 1855. 18 VICT.

A

BILL

FOR

Abolishing the Jurisdiction of the Ecclesiastical Courts of England and Wales in Suits for Defamation.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS the Jurisdiction of the Ecclesiastical Courts in Suits for Defamation has ceased to be the Means of enforcing the Spiritual Discipline of the Church, and has become grievous and oppressive to the Subjects of this Realm: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: That, from and after *the passing of this Act*, it shall not be lawful for any Ecclesiastical Court in England or Wales to entertain or adjudicate upon any Suit for or Cause of Defamation, any Statute, Law, Canon, Custom, or Usage to the contrary notwithstanding.

Jurisdiction of Ecclesiastical Courts in England and Wales in Suits for Defamation abolished.

Ecclesiastical Courts.

A

BILL

For abolishing the Jurisdiction of the Ecclesiastical Courts of England and Wales in Suits for Defamation.

(*Prepared and brought in by Mr. Robert Phillimore and Mr. C. Forster.*)

Ordered, by The House of Commons, *to be Printed*, 27 *February* 1855.

[Bill 45.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act for abolishing the Jurisdiction of the Ecclesiastical Courts of England and Wales in Suits for Defamation.

[Note.—The Words in Red Ink were inserted, and the Words in *Italics* were struck out, by the Lords.]

WHEREAS the Jurisdiction of the Ecclesiastical Courts in Suits for Defamation has ceased to be the Means of enforcing the Spiritual Discipline of the Church, and has become grievous and oppressive to the Subjects of this Realm: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Jurisdiction of Ecclesiastical Courts in England and Wales in Suits for Defamation abolished.

I. From and after the passing of this Act it shall not be lawful for any Ecclesiastical Court in England or Wales to entertain or adjudicate upon any Suit for or Cause of Defamation, any Statute, Law, Canon, Custom, or Usage to the contrary notwithstanding.

Persons now imprisoned for Non-payment of

II. *Any Person imprisoned before the passing of this Act, for not having paid Costs decreed in any Suit for or Cause of Defamation,*

Costs to be forthwith liberated.

tion, shall be forthwith liberated from Prison, and shall not be compelled to take any Oath of future Obedience to the Commands of the Ordinary.

In the Case of every Person committed to Gaol before the passing of this Act under any Writ De contumace capiendo issued in consequence of any Proceedings before any Ecclesiastical Court in any Cause or Suit for Defamation of Character, the Judge of the Ecclesiastical Court before whom such Proceedings shall have been had shall make an Order upon the Officer in whose Custody such Person is for discharging such Person out of Custody, and such Officer shall on the Receipt of such Order forthwith discharge such Person, and it shall not be necessary for such Person to take any Oath of future Obedience to his or her Ordinary: Provided always, that such Order shall not be made unless the Costs lawfully incurred in any such Suit shall have been previously paid into the Registry of such Ecclesiastical Court, or unless the Person against whom such Costs shall have been decreed shall have already suffered Imprisonment for One Month in consequence of Nonpayment thereof.

Ecclesiastical Courts.

A

BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act for abolishing the Jurisdiction of the Ecclesiastical Courts of England and Wales in Suits for Defamation.

Ordered, by The House of Commons, *to be Printed*, 20 *June* 1855.

[Bill 183.]

Under 1 *oz.*

A

B I L L

TO

Continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.

WHEREAS an Act was passed in the Session holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled "An Act to amend the Law as "to Ecclesiastical Jurisdiction in England," by which it was enacted, that certain of the Provisions therein contained should continue until the First Day of August One thousand eight hundred and forty-eight, and, if Parliament were then sitting, until the End of the then Session of Parliament; and such Provisions have been continued by sundry Acts until the First Day of August One thousand eight hundred and fifty-five, and to the End of the then next Session of Parliament: And whereas it is expedient that the said Provisions should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said Act shall continue until the *First Day of August One thousand eight hundred and fifty-six*, and to the End of the then next Session of Parliament.

Preamble.

10 & 11 Vict. c. 98.

Certain Provisions of recited Act further continued.

[Bill 209.]

Ecclesiastical Jurisdiction Continuance.

A

BILL

To continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.

(*Prepared and brought in by Mr. Cowper and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 29 *June* 1855.

[Bill 209.]

Under 1 *oz.*

(Ireland.)

A

BILL

TO

Provide that the Property or Income Tax payable in respect of the Income from Ecclesiastical Property in Ireland shall be a Deduction in estimating the Value of such Property for the Purpose of Taxation by the Ecclesiastical Commissioners.

WHEREAS by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act "to alter and amend the Laws relating to the Temporalities of the "Church in Ireland," the Ecclesiastical Commissioners therein directed to be appointed were authorized and empowered to make a Valuation of all Ecclesiastical Property, subject to the Deductions therein set forth, and to take, levy, and receive therefrom a yearly Tax, Rate, or Assessment, computed and imposed upon such Valuation according to a Scale, and for the Purposes recited in the said Act: And whereas by an Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her present Majesty's Reign, intituled "An Act for granting to Her Majesty Duties "on Profits arising from Property, Professions, Trades, and Offices," and by Two other Acts passed in the Seventeenth Year of Her present Majesty's Preamble.

Majesty's Reign, Chapter Ten and Chapter Twenty-four, for granting to Her Majesty additional and increased Duties on such Profits, Ecclesiastical Property, together with other Property in Ireland theretofore exempt, was rendered liable to the Duties therein enacted: And whereas it is expedient and just that the Amount payable as Property or Income Tax under the said Acts should be allowed as a Deduction by the said Ecclesiastical Commissioners, together with the Deductions authorized to be made under the said Act of the Third and Fourth Years of the Reign of His Majesty King William the Fourth, Chapter Thirty-seven, in forming their Valuations for the Tax, Rate, or Assessment therein directed to be levied: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said Ecclesiastical Commissioners, in and from the Valuation made or to be made of any Ecclesiastical Property for the Purpose of imposing the Rate, Tax, or Assessment required by the said Act in addition to the Charges specified as Deductions in the said Act, to deduct also such Amount or Sum as the said Commissioners shall ascertain as proper to be deducted from such Valuation for or on account of any Property or Income Tax paid or payable, or deducted, in respect of such Ecclesiastical Property.

Property or Income Tax to be a Deduction in estimating the Value of Ecclesiastical Property in Ireland for the Purpose of Taxation by the Ecclesiastical Commissioners.

Ecclesiastical Property.

(Ireland.)

A

BILL

To provide that the Property or Income Tax payable in respect of the Income from Ecclesiastical Property in Ireland shall be a Deduction in estimating the Value of such Property for the Purpose of Taxation by the Ecclesiastical Commissioners.

(*Prepared and brought in by Mr. Napier and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed*, 2 *March* 1855.

[Bill 48.]

Under 1 *oz.*

16 *April* 1855. 18 Vict.

A

B I L L

TO

Ratify conditional Agreements entered into by the Commissioners of Her Majesty's Works and Public Buildings; and to vest in the said Commissioners certain Property situate near the College of Edinburgh in the City of Edinburgh, together with the General Register House in the said City, and all Lands held therewith; and to enable the said Commissioners to acquire certain Property near the Palace of Holyrood.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS in the Estimates for the Public Service passed in the last Session of Parliament certain Sums were set apart for the Formation of a National Museum of Industry for Scotland, and in particular for the Purchase of Ground sufficient for the Site of the said Museum, to be built in the Vicinity of the Buildings of the University and College of Edinburgh within the City of Edinburgh: And whereas the Commissioners of Her Majesty's Works and Public Buildings, incorporated by an Act of the Session Preamble.

Agreement for Purchase of Property near the College of Edinburgh as a Site for a National Museum of Industry.

of Parliament holden in the Fifteenth Year of Her Majesty, Chapter Twenty-eight, have been appointed to carry out the Arrangements for the Purchase, Acquisition, and vesting in them of the Ground required for the Site of the said Museum: And whereas in pursuance of such Appointment to the said Commissioners a Deed of Agreement has been entered into between them on the one Part, and Robert Gray, Merchant, Edinburgh, Adam Black, Bookseller there, John Baird, Grocer, Gilmerton, Hugh Paton, Carver and Gilder, Edinburgh, George Johnston, Temperance Hotel Keeper there, William Auld, Shoemaker there, and John Peterson, Merchant there, the surviving and acting Trustees vested in the Property and Buildings known as the College Street or Argyle Square Chapel, Edinburgh, therein-after described, for the Execution of the Trusts connected therewith, created by the deceased John Aikman, Minister of the Gospel in Edinburgh, by a Trust Disposition and Settlement executed by him, and bearing Date the Twenty-fourth Day of March One thousand eight hundred and twelve, and recorded in the Books of Council and Session the Fourteenth Day of February One thousand eight hundred and thirty-four, in favour of the said Robert Gray and others, on the other Part, the said Deed of Agreement bearing Date the , and reciting that it had been deemed expedient towards the Formation of the said Museum that the absolute Right to the said Property and Buildings should be acquired by and vested in the said Commissioners, and reciting that the said Commissioners, by and with the Consent of the Commissioners of Her Majesty's Treasury, had agreed with the said Trustees for the absolute Purchase of the said Property and Buildings at a Price to be paid therefor of Two thousand Pounds Sterling, and reciting that the said Property and Buildings, being vested in the said Trustees for the Execution of the Trusts aforesaid, and no Power of Sale being conferred on them by the Titles under which they hold the same, it was not competent for the said Trustees to sell or dispose of the said Subjects, nor could they grant a valid Conveyance and Disposition thereof to the said Commissioners on Behalf foresaid without the Authority of Parliament, and by which Deed of Agreement it was agreed that the said Commissioners should within a reasonable Time, and without undue Delay after the Date and Execution of the said Deed of Agreement, (and at their own Expense,) apply for an Act of Parliament empowering the said Commissioners to purchase and acquire, and empowering the said Robert Gray, Adam Black, John Baird, Hugh Paton, George Johnston, William Auld, and John Peterson, as Trustees foresaid, and their Successors in Office, or so many of them as are declared to be a Quorum by the Deed constituting the said Trust, and the Survivors or Survivor of them, and all other Parties who were, could,

could, should, or might be interested, to sell and dispose of the said Property and Buildings, and to grant, make, or execute in favour of the said Commissioners, and their Successors, or other Disponees that might be considered necessary, a good and valid Conveyance and Disposition thereof, and all Rights and Pertinents held or connected therewith, which Property and Buildings are stated in the said Deed of Agreement to be described in the Title Deeds as follows; viz., all and whole that Area, with the Chapel or Place of Worship sometime ago erected thereon by the said John Aikman, situated at the West End of the College of Edinburgh, and bounded as follows, viz., by the Street leading from the College Wynd to the Potterrow on the East, the Street leading along the North Side of the College to Argyle Square on the North, the Property of the Trades Maiden Hospital on the West, and that large Tenement and Garden also belonging to the said John Aikman on the South, together with a Servitude over the whole Garden or Ground belonging to the said John Aikman lying behind the contiguous Tenement on the South of the said Chapel, for the Purpose of preserving entire the Light of the large Window in the South Side of the Chapel, with free Ish and Entry to the said Place of Worship from both of the said Streets, which Area whereon the said Chapel is built was purchased by the said John Aikman partly from James Dewar, Esquire, of Vogrie, alongst with other Subjects contained in his Disposition to the said John Aikman, dated the Twenty-fourth and Twenty-ninth Days of July Eighteen hundred and one, and recorded in the Books of Council and Session the Sixteenth Day of April thereafter, and partly from the Governors of said Hospital; and the said Robert Gray, Adam Black, John Baird, Hugh Paton, George Johnston, William Auld, and John Peterson thereby agreed and bound and obliged themselves as Trustees foresaid, and their Successors in Office, that they should, upon being so empowered, sell, alienate, convey, and dispose to and in favour of the said Commissioners, or to such other Disponees as the said Commissioners should direct and appoint, at and for the foresaid Price of Two thousand Pounds Sterling, all and whole the aforesaid Subjects as before described, or by any other Description that might be considered necessary for the proper Identification thereof, together with all Right, Title, and Interest, Claim of Right, Property, and Possession which they or their Predecessors, or the said John Aikman or his Authors, had to the Premises, and for that Purpose to execute and deliver a good, valid, and effectual Disposition and Conveyance, containing all usual and necessary Clauses in favour of the said Commissioners or such other Disponees as the said Commissioners might direct and appoint; and the said Commissioners should, on the Execution and Delivery of such Disposition and Con-

veyance, be bound to make Payment of the foresaid Sum of Two thousand Pounds without Deduction of any Expenses incurred by them in carrying out the Sale and Transference to them of the said Subjects or otherwise, such Payment to be made and applied under the Provisions of the Act of Parliament to be obtained as aforesaid; and it was thereby further declared and agreed to by the Parties that the Term of Entry of the said Commissioners to the said Subjects should be as soon as might be agreed on after the passing of the Act of Parliament empowering the said Trustees as aforesaid to sell and dispose the said Subjects to the said Commissioners, or at least at the First Term of Whitsunday or Martinmas that should happen subsequent to the passing of the said Act, from which Time or Term, as the Case might, the said Purchase Money, if not previously paid, should bear Interest until Payment thereof was made as might be directed by Act of Parliament to be obtained as aforesaid: And whereas by another Deed of Agreement, bearing Date the

Agreement for Transfer by the Town Council of Edinburgh of their Rights (if any) in the Museum of the University;

entered into between the said Commissioners on the one Part, and the Right Honourable John Melville, Lord Provost of the City of Edinburgh, Adam Morrison, Francis Brown, Douglas George Clark, and John Kay, Esquire, Baillies, Peter Scott Fraser, Esquire, Dean of Guild, and David Dickson, Esquire, Treasurer, and also the remainant Members of the Town Council, all as representing the Community of the said City, as Patrons and Guardians of the University and College of Edinburgh, on the other Part, proceeding on a Recital of the Intention to form the said National Museum; and also reciting that certain Proposals were submitted on behalf of the Lords of the Committee of Privy Council for Trade to the said Magistrates and Town Council, for the Transfer to Her Majesty's Government by them of any Rights they might have in the Museum of the said University, on consideration that the proposed National Museum was made fully available to the Professors of the said University for instructional Purposes, and to be open to the Public free of Charge on certain Days of the Week, and for the Acquisition by Her Majesty's Government of certain Subjects under the Management, Control, and Disposal of the said Magistrates and Town Council as Patrons and Guardians of or otherwise as Trustees on behalf of the said University; and further reciting that the said Proposals having been considered at a Meeting of the said Magistrates and Town Council on the Eighth Day of August One thousand eight hundred and fifty-four, they, by their Act of Council of that Date, did renounce all Right of Property in and Management of or Control over the Collections forming the Museum of National History in the said University belonging to them as Patrons and Guardians aforesaid

to

to and in favour of the said Lords of Committee of Privy Council for Trade, and they did thereby bind and oblige themselves and their Successors in Office to transfer all such Right, Title, and Interest which they had or could have as Patrons and Guardians aforesaid in or to the Area of Land in West College Street, bounded by the said Street on the East, the Grounds of the Trades Maiden Hospital on the West, the Houses of Lothian Street on the South, and the Independent Chapel occupied by the Congregation of the Reverend Doctor Alexander on the North, and for that Purpose to execute and deliver such legal Transfer and Conveyance as might be judged necessary, and that at the Expense of the said Lords, it being declared by the said Act of Council that such Renunciation and Transfer as aforesaid should be made on the Condition that the Views of the Lords of the Committee of Privy Council for Trade, expressed in the Documents referred to in the said Act of Council, should be fully carried into execution by the said Lords; and also reciting that by the said Act of Council the said Magistrates and Council, considering that it might become necessary to widen the Approach by North College Street to the said Museum, did agree to concur in any Place which might be concerted by the said Lords for widening the said Approach, and to cede so much of the Property on the North Side of the said Street belonging to them as Patrons and Guardians aforesaid as the said Lords might think necessary to throw into the said Street or Foot Pavement when so required to be widened; and also reciting that the said Area of Land in West College Street was originally acquired in Five separate Lots or Parcels by the Commissioners appointed by Royal Warrant to superintend the Erection of Buildings for the said University of Edinburgh and the Expenditure of the Parliamentary Grants therefor, and the said Lots or Parcels were feudally vested in the Honourable James Clerk Rattary, One of the Barons of the Court of Exchequer in Scotland, Robert Johnston, Merchant in Edinburgh, and Doctor Andrew Duncan, junior, Secretary of the Senatus Academicus of the University of Edinburgh, being Three of and a Committee appointed by the said Commissioners appointed by Royal Warrant to superintend the Erection of Buildings for the said University and the Expenditure of the Parliamentary Grants therefor, for the Purpose of making certain Purchases for their Behoof, and the Survivors and Survivor of the said Baron Clerk Rattary, Robert Johnston, and Andrew Duncan, junior, and the Heirs and Assignees of them, in trust and for Behoof of the said Commissioners, as the said Subjects or Parcels were more particularly described in an Instrument of Sasine in favour of the said Baron Clerk Rattary, Robert Johnston, and Andrew Duncan, junior, as Trustees foresaid, dated the Twelfth Day of February One thousand eight hundred and twenty-

and to cede Property for widening and improving the Approach to the proposed National Museum of Industry.

twenty-two, and recorded in the Register of Sasines kept for the City of Edinburgh the same Day, and in the several Dispositions containing the Procuratories of Resignation on which the same proceeds, and the other Titles of the said Subjects; and also reciting that the said Trustees were all dead, the said Robert Johnston having been the last Survivor of them, and that the Heirs of the said Robert Johnston, having made up a Title as Heir to him in the said Trust Subjects, had conveyed and disponed the same to the said Magistrates and Town Council on the same Trusts as the said Subjects were held by the said Robert Johnston as surviving Trustee foresaid, with a view to enabling the said Magistrates and Town Council the more effectually to carry out the said Arrangement for surrendering the said Subjects for the Purposes of the said National Museum, in which Subjects the said Magistrates had been infeft conform to Instrument in their Favour; and also reciting that the Property belonging to the said Magistrates and Town Council are under their Management and Disposal as Patrons and Guardians foresaid, situated on the North Side of North College Street, of which they agreed to cede as much as the said Lords might think necessary to throw into the said Street or Foot Pavement, when so required to be widened as aforesaid, was originally acquired by certain Trustees appointed by the Subscribers to a Fund for rebuilding the College of Edinburgh, in separate Lots, from William Keith, Accountant in Edinburgh, Walter Scott, Writer to the Signet, and the Incorporation of Bakers, Edinburgh, to whom the respective Purchase Monies were paid, but no Title, so far as then appeared, was ever obtained from these Parties; and also reciting that the whole of the said Property in West College Street was required for the said National Museum; and also reciting that the said Commissioners of Her Majesty's Works and Public Buildings had been appointed to carry out the Arrangements for the Acquisition of the Ground required for the Site of the said National Museum, and obtaining the same vested in them; therefore the said Right Honourable John Melville, Lord Provost, Adam Morison, Francis Brown Douglass, George Clark, and John Kay, Esquires, Baillies, Peter Scott Fraser, Esquire, Dean of Guild, and David Dickson, Esquire, Treasurer, and the remanent Members of the Town Council of the said City of Edinburgh as the Trustees feudally vested in the Subjects therein-after disposed, and as Patrons and Guardians of the University of Edinburgh, or as having Right in any other Character or Capacity whatever to the said Subjects, did thereby alienate, convey, and dispone to and in favour of the said Commissioners of Her Majesty's Works and Public Buildings, for the Purposes of the said National Museum, all and the whole the foresaid Area of Land in West College Street, described as bounded by the said

Street

Street on the East, the Grounds of the Trades Maiden Hospital on the West, the Houses of Lothian Street on the South, and the Independent Chapel occupied by the Congregation of the Reverend Doctor Alexander on the North, or as the said Area was otherwise described in the foresaid Instrument of Sasine in favour of the said Baron Clerk Rattary, Robert Johnston, and Andrew Duncan, junior, and the other Titles of the said Subjects; and further the said Lord Provost, Magistrates, and Council thereby agreed and bound and obliged themselves and their Successors in Office to concur in any Plan that might be concerted by the said Commissioners of Her Majesty's Works and Public Buildings for widening the Approach to the said Museum, and to cede to the said Commissioners as much of the foresaid Proprety on the North Side of North College Street belonging to them as Patrons and Guardians foresaid as the said Commissioners might think necessary to throw in the said Street a Foot Pavement, when required to be widened, and to grant such Deeds as might be legally requisite for fully vesting the Ground so to be ceded in the said Commissioners, at the Expense of the said Commissioners, which several Subjects therein described were stated to be delineated on a Plan thereof, and of other Subjects acquired or to be acquired by the said Commissioners for the Purposes of the said Museum, the Subjects first therein described being coloured on said Plan, and the Subjects second therein mentioned being coloured thereon, which Plan is therein stated to be subscribed by the said Lord Provost and the First Commissioner of Her Majesty's Works and Public Buildings as relative to the said Deed of Agreement by which it was declared that the Disposition and Obligation therein contained were granted by the said Lord Provost, Magistrates, and Council only for the Purposes foresaid, and not otherwise, and which Purposes should be a Real Burden on the said Disposition granted and to be granted; and the said whole Parties hereto further considering that in order to fortify the Title thereby conferred to the said several Subjects, it had been deemed expedient that an Act of Parliament should be obtained for more effectually vesting the same in the said Commissioners; therefore it was thereby agreed to by and between the said several Parties that the said Commissioners of Her Majesty's Works and Public Buildings should within a reasonable Time and without undue Delay after the Date and Executions of the said Deed of Agreement, and at the Expense of the said Commissioners, apply for an Act of Parliament containing Clauses ratifying the same Deed of Agreement, and transferring to and vesting in the said Commissioners for the Purposes of the said Museum the several Subjects thereby disponed or to be disponed in the event and for the Purposes foresaid, and declaring them free and disburdened of the Trusts upon which the same were and had been held by the said Lord

Provost, Magistrates, and Council, and their Predecessors, and containing such other Clauses as might be considered necessary for carrying out the Object and Intention of the said Deed of Agreement, and specially, without Prejudice to the said Generality, empowering the said Magistrates and Council to widen or alter the Approaches or Streets leading to the said Museum, in as far as they and the said Commissioners should consider necessary, but which Power so to be obtained should not impose or imply, or be deemed or held to impose or imply, any Obligation on the said Lord Provost, Magistrates, and Council to widen or alter the said Approaches or Streets at the Expense of the Community and Common Good of said City, or out of any other Fund under their Management and Control: And whereas by a Disposition dated the made and executed by Henry Banks, Convener of the Incorporated Trades of the City of Edinburgh and Deacon of the Incorporation of Tailors of Edinburgh; Samuel Weir, Deacon of the Incorporation of Goldsmiths of Edinburgh; John Steele, Deacon of the Incorporation of Hammermen of Edinburgh; Thomas Johnstone, Deacon of the Incorporation of Wrights of Edinburgh; Edward Macgill, Deacon of the Incorporation of Masons of Edinburgh; John Ramage, Deacon of the Incorporation of Bakers of Edinburgh; John Cox, Deacon of the Incorporation of Furriers of Edinburgh; Robert Legget, junior, Deacon of the Incorporation of Skinners of Edinburgh; Thomas MacMillan, senior, Deacon of the Incorporation of Fleshers of Edinburgh; John James, Deacon of the Incorporation of Shoemakers of Edinburgh; George Tibbets, Deacon of the Incorporation of Waulkers of Edinburgh; Robert Brown, Deacon of the Incorporation of Websters of Edinburgh; John Williams, Deacon of the Incorporation of Bonnetmakers of Edinburgh; George Crichton, Goldsmith, Edinburgh, and William Beattie, Builder, Edinburgh, Trades Councillors of the said City; George Roper Dickie, Preses of the Society of Barbers of Edinburgh; Gordon Brown, residing in Buccleugh Place, Edinburgh; Robert Sclater, Die and Stamp Cutter, Edinburgh; James Nimms, Brassfounder there; James Milne, Boot and Shoemaker there; George Copland, Tailor there; James Thomson, Hosier, North Saint Andrews Street there; William Cushnie, residing at Malta Green Cottage there; Robert Legget, senior, Skinner, Water of Leith there; and John Clark, residing in Teviot Row there, all then Governors of the Maiden Hospital founded by the Craftsmen of Edinburgh and Mary Erskine, and erected or incorporated by Statute from Queen Anne, dated the Twenty-fifth Day of March One thousand seven hundred and seven, Heritable Proprietors of the Subjects thereby disponed, in consideration of the Price therein mentioned, sold, alienated, and disponed from them and their Successors,

Purchase of Property from the Governors of the Maiden Hospital for the Purposes of the National Museum of Industry.

cessors in Office to the said Commissioners of Her Majesty's Works and Public Buildings, heritably and irredeemably, all and whole the Ground and Buildings known, used, and occupied as the Trades Maiden Hospital, bounded as therein described, all as the said Ground and Buildings were delineated and coloured on a Plan thereof, and of other adjoining Properties acquired or to be acquired by the said Commissioners, which was subscribed by the said Henry Banks, Convenor foresaid, and John Clark, Treasurer of the said Hospital, on behalf of the Grantors of the said Disposition, which Subjects thereby disponed were stated to be Part of the several Subjects therein-after described, or one or other of them, in which several Subjects the Governors of the said Hospital were infeft conform to Instrument of Resignation and Sasine in their Favour, dated the Twenty-sixth Day of April One thousand seven hundred and seven, and recorded in the Burgh Register of Sasines of Edinburgh the same Day, and also conform to another Instrument of Resignation and Sasine in their Favour, dated Tenth September, and recorded in the said Burgh Register of Sasines the same Day; and the said present Governors of the said Hospital did also thereby sell, alienate, and dispone all Privileges, Servitudes, Pertinents, and others held or connected therewith, and, without Prejudice to such general Conveyance, the Privilege and Servitude therein particularly described: And whereas the Subjects disponed by the said Disposition were acquired for the Purposes of the said National Museum: And whereas it is expedient that the said recited Agreements between the said Commissioners of Her Majesty's Works and Public Buildings, on the one Part, and the said Trustees for the Administration of the Affairs of the said Chapel, and the said Lord Provost, Magistrates, and Town Council of the City of Edinburgh respectively, on the other Part, should be carried into effect in manner herein-after provided, and that the said Disposition by the Governors of the said Trades Maiden Hospital in favour of the said Commissioners of Her Majesty's Works and Public Buildings should be ratified in manner herein-after mentioned: And whereas it is expedient that the Buildings forming the General Register House in Edinburgh, and Ground whereon the same are built, and all other Property of whatever kind held or connected therewith, should be transferred to and vested in the said Commissioners: And whereas Inconveniences and Difficulties have arisen in the Acquisition by the said Commissioners for the Public Service of Property situated at or near the Palace of Holyrood or Precincts thereof, held by Parties who were, by the Titles thereof or otherwise, legally incapacitated from selling or disposing of the same and granting valid Conveyances thereof, and it is expedient that these Inconveniences and Difficulties should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and

The Register House, Edinburgh, to be vested in the Commissioners of Works.

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Agreements confirmed.

I. The said herein-before recited Deed of Agreement, bearing Date the

entered into between the said Commissioners of Her Majesty's Works and Public Buildings on the one Part, and the said Robert Gray, Adam Black, John Baird, Hugh Paton, George Johnston, William Auld, and John Peterson, the surviving and acting Trustees, vested in the Property and Buildings known as the College Street or Argyle Square Chapel, Edinburgh, therein and herein-before described, for the Execution of the Trusts connected therewith created by the said deceased John Aikman, Minister of the Gospel in Edinburgh, by his said Trust Disposition and Settlement, bearing date the Twenty-fourth Day of March One thousand eight hundred and twelve, and recorded in the Books of Council and Session the Fourteenth Day of February One thousand eight hundred and fifty-four on the one Part, as also the said Deed of Agreement, dated the

between the said Commissioners of Her Majesty's Works and Public Buildings on the one Part, and the said Lord Provost, Magistrates, and Town Council of the City of Edinburgh in their several Characters foresaid, and the Disposition and Obligation therein contained, as also the said Disposition dated the

by the said Governor of the Trades Maiden Hospital, Edinburgh, in favour of the said Commissioners of Her Majesty's Works and Public Buildings, shall be and the same are hereby ratified and confirmed, and made valid and effectual, to all Intents and Purposes whatsoever.

Property near the College to be conveyed to the Commissioners of Works.

II. It shall be lawful to and in the Power of the said Robert Grey, Adam Black, John Baird, Hugh Paton, George Johnston, William Auld, and John Peterson, as Trustees foresaid, and their Successors in Office, or so many of them as are declared to be a Quorum by the Deed constituting the said Trust, and the Survivors or Survivor of them, and all other Parties who are, can, shall, or may be interested to sell and dispose of the said Property and Buildings known as the College Street or Argyle Square Chapel, Edinburgh, described in the said Deed of Agreement to the said Commissioners of Her Majesty's Works and Public Buildings, and to grant, make, and execute in favour of the said Commissioners on such Behalf, or other Disponees that may be considered necessary, a Conveyance and Disposition of the said Property and Buildings, and all Rights, Servitudes,

Servitudes, Privileges, and Pertinents held or connected therewith, as the same are described in the said Deed of Agreement, or in the Title Deeds thereof, or by any other or additional Description that may be considered necessary or proper for the due Identification of the said Subjects, which Conveyance and Disposition so to be granted as aforesaid shall contain all usual and necessary Clauses for fully vesting the said Subjects in the said Commissioners, and the same shall be good, valid, and effectual to all Intents and Purposes whatsoever.

The Price to be paid by the said Commissioners to an Account at the Royal Bank of Scotland.

III. The said Commissioners of Her Majesty's Works and Public Buildings shall, on the Execution and Delivery to them of the aforesaid Conveyance and Disposition, pay or cause to be paid the Sum of *Two thousand Pounds* Sterling, together with the Interest that may have accrued thereon from the Time the said Commissioners may have obtained Entry to the said Subjects prior to the Delivery of such Conveyance and Disposition, into the Royal Bank of Scotland, to an Account to be raised in the Books of said Bank in the Names of the Right Honourable John Melville, present Lord Provost of the City of Edinburgh, Maurice Lothian, Esquire, Procurator Fiscal for the County of Midlothian, and John Gibson, junior, Esquire, Writer to the Signet, or the Survivors or Survivor of them, or the Heirs Male of such Survivor, as Trustees or Trustee for reinvesting the said Monies and carrying into effect the other Purposes herein-after mentioned.

Receipt of Treasurer to be good Discharge.

IV. The Receipt of the Treasurer or other proper Officer shall be a good and sufficient Discharge for the said Sum of *Two thousand Pounds*, and Interest thereon, and the said Commissioners shall not be in any way liable for or concerned with the Application, Misapplication, or Nonapplication of the Monies so to be paid by them as aforesaid, or any Part thereof.

Upon Execution of Conveyance and Payment of Price the Property to be disburdened of the Trusts, &c. affecting the same.

V. Immediately from and after the Execution and Delivery of the said Conveyance and Disposition, and on such Payment being made into the said Royal Bank of Scotland as aforesaid, the said Subjects to be therein comprised shall be and the same are by force and virtue of this Act absolutely freed and disburdened of the Trusts, Conditions, and Purposes, and all other Burdens affecting the same, created or imposed by the Trust Disposition and Settlement aforesaid of the said deceased John Aikman, or any subsequent Deed or Deeds made and executed by him, or by any Deeds executed by the Trustees acting under the said Trust Disposition and Settlement, or other Deeds executed by the said deceased John Aikman; all which, so far as they affect or can be made to affect the said Subjects, or the

Grantors of the said Conveyance and Disposition in relation thereto, are hereby discharged and declared to be at an end as if the same had never existed, and such Conveyance and Disposition shall not be liable to Objection nor its Validity be in any way impaired or affected by reason of any Defect whatever in the Titles of the Grantors of such Conveyance and Disposition, or their Predecessors and Authors.

The Price to be invested, under the Direction of the Court of Session, in the Purchase of other Property, to be conveyed on the same Trusts.

VI. And the said John Melville, Maurice Lothian, and John Gibson, junior, as Trustees aforesaid, and their foresaids, may and shall, with all convenient Speed, and with the Approbation of the Court of Session in either Division thereof, and under the Direction thereof, and by and with the Consent of the Trustees or Trustee acting for the Time under the said Trust Disposition and Settlement of the said deceased John Aikman, after Payment of all Expenses incurred in the Execution of the Trust created, which they are hereby authorized to satisfy and pay in the first place, lay out, invest, and apply the said Sum of *Two thousand Pounds* so to be paid into the said Bank of as aforesaid into the Account herein provided to be raised in the Books of the said Bank in the Names of the said John Melville, Maurice Lothian, and John Gibson, junior, as Trustees foresaid, and also any Balance of Interest and Accumulations thereof that may remain after satisfying the Purposes herein-after provided for, in the Purchase of a Site for a suitable Chapel or Place of Worship, and the Balance thereof, if any, shall remain for and towards the Erection of such Chapel, or otherwise in the Purchase and Acquisition of any Building or Buildings, and converting the same into a suitable Chapel or Place of Worship, in lieu and place of the aforesaid Chapel and Ground on which the same is built, to be disponed to the said Commissioners of Her Majesty's Works and Public Buildings under the Authority of this Act; and the Ground or Buildings so to be purchased and acquired or erected as aforesaid by the Trustees herein-before appointed for the Purposes aforesaid, shall be conveyed and disponed by the Parties from whom the same shall be so purchased and acquired, or by the same purchasing Trustees or Trustee, and by the Directions of the Court of Session in either Division thereof, to the Trustees acting for the Time under the said Trust Disposition and Settlement of the said deceased John Aikman, and under and subject to the same Trusts, Conditions, Ends, Uses, and Purposes as are specified in the said Trust Disposition and Settlement of the said deceased John Aikman, in the same Manner and to the like Effect as if the Ground and Buildings so to be acquired and purchased or erected as aforesaid had been the Subjects originally comprised within the said Trust Disposition and Settlement.

VII. Until

VII. Until the Investment herein-before directed shall be made, the Interest accruing on the said Capital Sum of *Two thousand Pounds*, by reason of its Deposit in such Bank as aforesaid, shall be paid to the Trustees or Trustee acting for the Time under the said Trust Disposition and Settlement, to enable them to provide a temporary Place of Worship for the Congregation on whose Behalf the said Trust was created, and on such other Purposes of the Trust as Circumstances may render necessary or expedient: Provided always, that the Expenses incurred in the Execution of the Trust herein-before created shall form a preferable Charge upon and shall be satisfied and paid in the first place out of the said Interest, and shall not be defrayed, so long as the Interest is sufficient for that Purpose, out of the said Capital Sum of *Two thousand Pounds*.

Interest accruing on the Capital in the meantime to be applied in providing a temporary Place of Worship for the Congregation on whose Behalf the Trust was created.

VIII. After having carried the Purposes of this Act into effect, so far as the same are committed to the said Trustees herein-before appointed, it shall be lawful to such Trustees and their foresaids, if he or they shall think it necessary for his or their own Relief, to apply to the said Court of Session in either Division thereof for a Discharge or Exoneration of their Proceedings, upon a Petition to be presented to the said Court in either Division thereof, in a summary Way, and the said Court in either Division thereof is hereby required to order Production of the Accounts of the said Trustees, and after Consideration thereof, and if the same shall be found to be correct, to exonerate and discharge the said Trustees of his or their Intromissions, and to declare him and them quit and discharged thereof for ever.

Trustees on passing their Accounts to be discharged by Court of Session.

IX. If the said John Melville, Maurice Lothian, and John Gibson, junior, or any of them, shall die, or be desirous to be discharged from or shall become incapable to act in the Trusts, Powers, and Authorities hereby in them vested, at any Time before the said Trusts, Powers, and Authorities shall have been duly performed and executed, then and in any of these Cases, when and so often as the same shall happen, it shall and may be lawful for the said Court of Session in either Division thereof, upon the Application either of the surviving Trustee or of the Trustees acting for the Time under the said Trust Disposition and Settlement of the said deceased John Aikman, or Quorum, or Survivor of them, to appoint any other fit Person or Persons to be a Trustee or Trustees for the Purposes aforesaid in the Place and Stead of such Trustee and Trustees as shall die, or be desirous to be discharged from or shall become incapable to act in the Execution of the Trusts, Powers, and Authorities by this Act given, and so from Time to Time as often as there shall be Occasion; and so often as any new Trustee or Trustees shall be appointed as aforesaid the Sums of Money paid to the Account of and vested in the said Trustees as aforesaid,

For the Appointment of new Trustees.

aforesaid, and hereby vested in the said John Melville, Maurice Lothian, and John Gibson, junior, shall thereupon become legally and effectually vested in such new Trustee or Trustees, and the Survivor and Survivors of them, and the Heirs of such Survivor, upon the Trusts, and to and for the same Uses, Intents, and Purposes, and with, under, and subject to all the Powers and Authorities by this Act given and declared.

Majority to be a Quorum.

X. The major Part of the Trustees acting in the Business and Affairs of the said Trust for the Time, while more than Two survive or continue, shall be a legal and sufficient Quorum for carrying all the Purposes of this Act into execution, and any One of them who only shall survive or continue shall at all Times have full Power to act by himself alone.

The Property near the College to be vested in the Commissioners of Works for the Purposes of the said National Museum.

XI. The Area of Land situated in West College Street of Edinburgh herein-before described, and disposed in manner herein-before recited by the said Lord Provost, Magistrates, and Council of the said City of Edinburgh to the said Commissioners of Her Majesty's Works and Public Buildings, is hereby transferred to and vested in the said Commissioners for the Purposes of the said National Museum, and no otherwise, as fully and effectually as if the said Commissioners were infeft and seised therein, and the same, as well as the said Lord Provost, Magistrates, and Town Council, shall be and are hereby declared freed and discharged of the Trusts upon which the said Area of Land was held by the said Lord Provost, Magistrates, and Council, and their Predecessors, in the same Manner and to the same Effect as if such Trusts had never existed: Provided always, that a Memorandum of the above Provision, whereby the said Area of Land is transferred to and vested in the said Commissioners, shall, as soon as conveniently may be after the passing of this Act, be signed by the said Lord Provost or his Successor in Office for the Time being, and registered in the Burgh Register of Sasines for the City of Edinburgh, which Memorandum may be in the Form set forth in the Schedule to this Act.

The Town Council empowered to convey Property for widening the Street.

XII. The said Lord Provost, Magistrates, and Council of the said City, and their Successors in Office, shall be entitled and are hereby authorized, empowered, and required to convey and dispone to the said Commissioners of Her Majesty's Works and Public Buildings as much of the foresaid Property situated on the North Side of North College Street of Edinburgh, herein-before described, and belonging to the said Lord Provost, Magistrates, and Council as Patrons and Guardians of the said University and College of Edinburgh, or in any other Capacity, as the said Commissioners may deem it necessary

to

to throw into the said Street or Foot Pavement when required to be widened, and to grant all Deeds necessary for fully vesting the Ground so to be conveyed and disponed in the said Commissioners, at the Expense of the said Commissioners; and the Deed or Deeds so to be granted shall not be impugned on the Ground of any Defect of Title in the Grantors thereof, or on any other Ground in Law whatever, but the same shall be valid and effectual to all Intents and Purposes whatsoever.

Property acquired from Town Council not to be used for other Purposes than those of the National Museum, without their Consent.

XIII. The said Commissioners of Her Majesty's Works and Public Buildings shall not be entitled to put, and they are hereby debarred from putting, the foresaid Subjects already disponed and to be disponed to them by the said Lord Provost, Magistrates, and Council, or their Successors in Office, to any other Uses or Purposes than such as may be connected with or have Reference to the said National Museum, without the Consent in Writing of the said Lord Provost, Magistrates, and Council, and their Successors for the Time being, first had and obtained; and if the said Commissioners shall contravene the said Provision, they shall be bound, on the Requisition in Writing of the said Lord Provost, Magistrates, and Council, and their Suceessors as aforesaid, to recover and dispone to them the said Subjects, or, in the Option of the said Lord Provost, Magistrates, and Council, and their Successors, to pay to them a suitable Compensation or Price for the said Subjects, as the same may be ascertained with reference to the Value of the said Subjects at the Date of the passing of this Act.

Disposition granted by the Maiden Hospital not to be objected to for Defect in Title.

XIV. The Disposition herein-before mentioned granted by the Governors of the Trades Maiden Hospital, Edinburgh, shall not be liable to any Objection or its Validity affected by reason of any Defect in the Title of such Governors or their Predecessors in any respect whatever.

General Register House vested in the Commissioners of Works.

XV. All the Buildings occupied as and forming Her Majesty's General Register House at Edinburgh, and all the Lands and Buildings connected therewith, and all Lands whereon the same are built, and all Lands or Heritages held therewith, or purchased or acquired therewith, or for the Improvement or Extension thereof, under any Royal Warrant or Signature, or under or by virtue of the Acts passed in the Twenty-fourth Year of the Reign of His late Majesty George the Third, Session Second, Chapter Fifty-seven, the Third Year of the Reign of His late Majesty George the Fourth, Chapter Sixty-two, the Seventh and Eighth Year of the Reign of His said Majesty, Chapter Forty-one, or any other Act or Acts of Parliament, or other Authority, together with the Feu Duties, Rents, and Casualties payable out

out of the said Lands, or any Part thereof, shall from *the passing of this Act* be and the same are hereby vested in the said Commissioners of Her Majesty's Works and Public Buildings, and their Successors, for ever, in their Corporate Capacity, for the Purposes specified in the aforesaid Royal Warrants, Signatures, Acts, or other Authority respectively, and shall be maintained and kept in repair by the said Commissioners by and out of such Funds as shall or may be from Time to Time appropriated by Parliament for such Purposes.

Owners of Property near Holyrood empowered to sell same to Commissioners of Works.

XVI. And whereas it may happen that some Person or Persons, or Bodies Politic, Corporate, or Collegiate, or Trustees, or others who are seised of or entitled to Houses, Ground, or other Subjects near or adjoining to the Precincts of the Palace of Holyrood which it may be necessary or desirable for the said Commissioners of Her Majesty's Works and Public Buildings to purchase and acquire for the Public Service, may be willing to treat and agree to sell such Houses, Ground, or other Subjects, but are incapable of granting and conveying the same, by reason of Infancy, or other Disability by Tailzies or otherwise, it shall and may be lawful, from and after *the passing of this Act*, to and for all Bodies Politic, Corporate, or Collegiate, Trustees, Tutors or Curators for Infants or Minors, Idiots, or furious Persons, or other Persons for whom they are Trustees, and for all and every other Person or Persons whomsoever who are or shall be seised, possessed of, or interested in any such House or Houses, Grounds, or other Subjects which the said Commissioners of Her Majesty's Works and Public Buildings shall judge it necessary or desirable to purchase and acquire for the Public Service, whether such Houses, Grounds, or other Subjects are held under Titles in Fee-simple, Trust, or Tailzie, or affected by any Restriction preventing the free Disposal thereof, to sell and convey to the said Commissioners of Her Majesty's Works and Public Buildings, or their Successors in Office, or to such other Person or Persons as they shall appoint, all or any such Houses, Grounds, or other Subjects, or any Part thereof, and that all Contracts, Agreements, Sales, or other Conveyances that shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof notwithstanding; and all Trustees, Tutors and Curators, Corporations, Proprietors, or Incumbrances subject to Tailzies, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue hereof or in pursuance of this Act.

Price to be deposited in Bank, and re-invested in other Pro-

XVII. The Price or Prices of any Subjects to be so purchased and acquired by the said Commissioners or their Successors shall be deposited, in the Names of the Parties selling and disposing such Subjects, in either of the Bank of Scotland, Royal Bank, or Bank of the British

British Linen Company, there to remain subject to the Directions of the Court of Sessions; and such Price or Prices shall, after Deduction of all proper Expenses incurred in consequence of such Sales, if the Interest to accrue on such Price or Prices is not sufficient to meet the said Expenses, be laid out upon Land or other Heritable Security in the Case of Sales of Subjects held under Entail, and the Rights and Securities devised and taken to the same Series of Heirs and subject to the same Conditions in every respect as are contained in the original Title Deeds of the Subjects under Entail, purchased and acquired as aforesaid; and in the Case of Subjects so to be purchased and acquired by the said Commissioners as aforesaid being held by Trustees, Bodies Politic, Corporate, or Collegiate, or others whatsoever, for Purposes and Objects which they could not lawfully defeat, the Price or Prices to be deposited as aforesaid shall, after Deduction of all proper Expenses incurred in consequence of such Sales, if the Interest to accrue on such Prices should not be sufficient to meet the said Expenses, be re-invested, under the Authority and with the Sanction of the Court of Session, in such Manner as shall best secure the Fulfilment of the Purposes and Objects for which such Subjects were prior to the Sale thereof held under the Titles thereof or otherwise.

perty with the Sanction of the Court of Session.

SCHEDULE referred to by the Act.

Be it remembered, That by virtue of an Act passed in the Session of Parliament holden in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], the Area of Land situate in West College Street of Edinburgh, herein-after described, and which was vested in the Lord Provost, Magistrates, and Town Council of the City of Edinburgh, subject to certain Trusts, and disponed by them to the Commissioners of Her Majesty's Works and Public Buildings, was transferred to and vested in the said Commissioners for Purposes in connexion with a National Museum of Industry to be founded in the said City, and no otherwise, as fully and effectually as if the said Commissioners were infeft and seised therein; and the same, as well the said Lord Provost, Magistrates, and Council, were declared freed and discharged of the Trusts upon which the said Area of Land was held by the said Lord Provost, Magistrates, and Council, and their Predecessors, in the same Manner and to the same Effect as if such Trusts had never existed; which Area of Land is described as follows [*here insert the Description of the said Area of Land as given in the before-recited Agreement between the said Commissioners and the said Lord Provost, Magistrates, and Council, or the Description given in the Titles thereof, or both, as may be deemed best for the proper Identification of the Subjects*]. In witness whereof this Memorandum or Abstract of the above-recited Provision of the said Act of Parliament is in pursuance thereof signed by the Right Honourable the Lord Provost of the City of Edinburgh, before these Witnesses,

A. B. Witness.

C.D. Witness.

Edinburgh Lands.

A

BILL

To ratify conditional Agreements entered into by the Commissioners of Her Majesty's Works and Public Buildings; and to vest in the said Commissioners certain Property situate near the College of Edinburgh in the City of Edinburgh, together with the General Register House in the said City, and all Lands held therewith; and to enable the said Commissioners to acquire certain Property near the Palace of Holyrood.

(*Prepared and brought in by Sir William Molesworth and The Lord Advocate.*)

Ordered, by The House of Commons, *to be Printed,*
16 *April* 1855.

[Bill 74.]

Under 3 oz.

21 *May* 1855. 18 Vict.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Ratify conditional Agreements entered into by the Commissioners of Her Majesty's Works and Public Buildings; and to vest in the said Commissioners certain Property situate near the College of Edinburgh in the City of Edinburgh, together with the General Register House in the said City, and all Lands held therewith; and to enable the said Commissioners to acquire certain Property near the Palace of Holyrood.

WHEREAS in the Estimates for the Public Service passed in the last Session of Parliament certain Sums were set apart for the Formation of a National Museum of Industry for Scotland, and in particular for the Purchase of Ground sufficient for the Site of the said Museum, to be built in the Vicinity of the Buildings of the University and College of Edinburgh within the City of Edinburgh: And whereas the Commissioners of Her Majesty's Works and Public Buildings, incorporated by an Act of the Session Preamble.

Agreement for Purchase of Property near the College of Edinburgh as a Site for a National Museum of Industry.

of Parliament holden in the Fifteenth Year of Her Majesty, Chapter Twenty-eight, have been appointed to carry out the Arrangements for the Purchase, Acquisition, and vesting in them of the Ground required for the Site of the said Museum: And whereas in pursuance of such Appointment to the said Commissioners a Deed of Agreement has been entered into between them on the one Part, and Robert Gray, Merchant, Edinburgh, Adam Black, Bookseller there, John Baird, Grocer, Gilmerton, Hugh Paton, Carver and Gilder, Edinburgh, George Johnston, Temperance Hotel Keeper there, William Auld, Shoemaker there, and John Peterson, Merchant there, the surviving and acting Trustees vested in the Property and Buildings known as the College Street or Argyle Square Chapel, Edinburgh, therein-after described, for the Execution of the Trusts connected therewith, created by the deceased John Aikman, Minister of the Gospel in Edinburgh, by a Trust Disposition and Settlement executed by him, and bearing Date the Twenty-fourth Day of March One thousand eight hundred and twelve, and recorded in the Books of Council and Session the Fourteenth Day of February One thousand eight hundred and thirty-four, in favour of the said Robert Gray and others, on the other Part, the said Deed of Agreement bearing Date the Nineteenth, Twentieth, and Twenty-second Days of March and Seventh and Twentieth Days of April, all in the Year One thousand eight hundred and fifty-five, and recorded in the Books of Her Majesty's Chancery in Scotland the Eighth and in the Books of Council and Session the Tenth Days of May and Year last mentioned; and reciting that it had been deemed expedient towards the Formation of the said Museum that the absolute Right to the said Property and Buildings should be acquired by and vested in the said Commissioners; and reciting that the said Commissioners, by and with the Consent of the Commissioners of Her Majesty's Treasury, had agreed with the said Trustees for the absolute Purchase of the said Property and Buildings at a Price to be paid therefor of Two thousand Pounds Sterling, and reciting that the said Property and Buildings, being vested in the said Trustees for the Execution of the Trusts aforesaid, and no Power of Sale being conferred on them by the Titles under which they hold the same, it was not competent for the said Trustees to sell or dispose of the said Subjects, nor could they grant a valid Conveyance and Disposition thereof to the said Commissioners, without the Authority of Parliament; and by which Deed of Agreement it was agreed that the said Commissioners should within a reasonable Time, and without undue Delay after the Date and Execution of the said Deed of Agreement, (and at their own Expense,) apply for an Act of Parliament empowering the said Commissioners to purchase and acquire, and empowering the said Robert Gray, Adam Black, John Baird, Hugh Paton, George Johnston, William Auld, and John Peterson, as Trustees foresaid,

foresaid, and their Successors in Office, or so many of them as are declared to be a Quorum by the Deed constituting the said Trust, and the Survivors or Survivor of them, and all other Parties who were, could, should, or might be interested, to sell and dispose of the said Property and Buildings, and to grant, make, or execute in favour of the said Commissioners and their Successors, or other Disponees that might be considered necessary, a good and valid Conveyance and Disposition thereof, and all Rights and Pertinents held or connected therewith, which Property and Buildings are stated in the said Deed of Agreement to be described in the Title Deeds as follows, viz., all and whole that Area, with the Chapel or Place of Worship sometime ago erected thereon by the said John Aikman, situated at the West End of the College of Edinburgh, and bounded as follows, viz., by the Street leading from the College Wynd to the Potterrow on the East, the Street leading along the North Side of the College to Argyle Square on the North, the Property of the Trades Maiden Hospital on the West, and that large Tenement and Garden also belonging to the said John Aikman on the South, together with a Servitude over the whole Garden or Ground belonging to the said John Aikman lying behind the contiguous Tenement on the South of the said Chapel, for the Purpose of preserving entire the Light of the large Window in the South Side of the Chapel, with free Ish and Entry to the said Place of Worship from both of the said Streets, which Area whereon the said Chapel is built was purchased by the said John Aikman partly from James Dewar, Esquire, of Vogrie, alongst with other Subjects contained in his Disposition to the said John Aikman, dated the Twenty-fourth and Twenty-ninth Days of July Eighteen hundred and one, and recorded in the Books of Council and Session the Sixteenth Day of April thereafter, and partly from the Governors of said Hospital; and the said Robert Gray, Adam Black, John Baird, Hugh Paton, George Johnston, William Auld, and John Peterson thereby agreed and bound and obliged themselves as Trustees foresaid, and their Successors in Office, that they should, upon being so empowered, sell, alienate, convey, and dispone to and in favour of the said Commissioners, or to such other Disponees as the said Commissioners should direct and appoint, at and for the foresaid Price of Two thousand Pounds Sterling, all and whole the aforesaid Subjects as before described, or by any other Description that might be considered necessary for the proper Identification thereof, together with all Right, Title, and Interest, Claim of Right, Property, and Possession which they or their Predecessors, or the said John Aikman or his Authors, had to the Premises, and for that Purpose to execute and deliver a good, valid, and effectual Disposition and Conveyance, containing all usual and necessary Clauses in favour

of the said Commissioners or such other Disponees as the said Commissioners might direct and appoint; and the said Commissioners should, on the Execution and Delivery of such Disposition and Conveyance, be bound to make Payment of the foresaid Sum of Two thousand Pounds without Deduction of any Expenses incurred by them in carrying out the Sale and Transference to them of the said Subjects or otherwise, such Payment to be made and applied under the Provisions of the Act of Parliament to be obtained as aforesaid; and it was thereby further declared and agreed to by the Parties that the Term of Entry of the said Commissioners to the said Subjects should be as soon as might be agreed on after the passing of the Act of Parliament empowering the said Trustees as aforesaid to sell and dispone the said Subjects to the said Commissioners, or at least at the First Term of Whitsunday or Martinmas that should happen subsequent to the passing of the said Act, from which Time or Term, as the Case might be, the said Purchase Money, if not previously paid, should bear Interest until Payment thereof was made as might be directed by the Act of Parliament to be obtained as aforesaid:

Agreement for Transfer by the Town Council of Edinburgh of their Rights (if any) in the Museum of the University;

And whereas by another Deed of Agreement, bearing Date the Thirteenth Day of March and Twentieth Day of April, both in the Year One thousand eight hundred and fifty-five, and recorded in the Books of Her Majesty's Chancery in Scotland the Eighth and in the Books of Council and Session the Tenth Days of May and Year last mentioned, entered into between the said Commissioners on the one Part, and the Right Honourable John Melville, Lord Provost of the City of Edinburgh, Adam Morrison, Francis Brown, Douglas George Clark, and John Kay, Esquires, Bailies, Peter Scott Fraser, Esquire, Dean of Guild, and David Dickson, Esquire, Treasurer, and also the remanent Members of the Town Council, all as representing the Community of the said City, as Patrons and Guardians of the University and College of Edinburgh, on the other Part, proceeding on a Recital of the Intention to form the said National Museum; and also reciting that certain Proposals were submitted on behalf of the Lords of the Committee of Privy Council for Trade to the said Magistrates and Town Council, for the Transfer to Her Majesty's Government by them of any Rights they might have in the Museum of the said University, on condition that the proposed National Museum was made fully available to the Professors of the said University for instructional Purposes, and to be open to the Public free of Charge during certain Days of the Week, and for the Acquisition by Her Majesty's Government of certain Subjects under the Management, Control, and Disposal of the said Magistrates and Town Council as Patrons and Guardians of or otherwise as Trustees on behalf of the said University; and further reciting that the said Proposals having been considered at a Meeting

Meeting of the said Magistrates and Town Council on the Eighth Day of August One thousand eight hundred and fifty-four, they, by their Act of Council of that Date, did renounce all Right of Property in and Management of or Control over the Collections forming the Museum of Natural History in the said University belonging to them as Patrons and Guardians aforesaid to and in favour of the said Lords of the Committee of Privy Council for Trade, and they did thereby bind and oblige themselves and their Successors in Office to transfer all such Right, Title, and Interest which they had or could have as Patrons and Guardians aforesaid in or to the Area of Land in West College Street, bounded by the said Street on the East, the Grounds of the Trades Maiden Hospital on the West, the Houses of Lothian Street on the South, and the Independent Chapel occupied by the Congregation of the Reverend Doctor Alexander on the North, and for that Purpose to execute and deliver such legal Transfer and Conveyance as might be judged necessary, and that at the Expense of the said Lords, it being declared by the said Act of Council that such Renunciation and Transfer as aforesaid should be made on the Condition that the Views of the Lords of the Committee of Privy Council for Trade expressed in the Documents referred to in the said Act of Council should be fully carried into execution by the said Lords; and also reciting that by the said Act of Council the said Magistrates and Council, considering that it might become necessary to widen the Approach by North College Street to the said Museum, did agree to concur in any Plan which might be concerted by the said Lords for widening the said Approach, and to cede so much of the Property on the North Side of the said Street belonging to them as Patrons and Guardians aforesaid as the said Lords might think necessary to throw into the said Street or Foot Pavement when so required to be widened; and also reciting that the said Area of Land in West College Street was originally acquired in Five separate Lots or Parcels by the Commissioners appointed by Royal Warrant to superintend the Erection of Buildings for the said University of Edinburgh and the Expenditure of the Parliamentary Grants therefor, and the said Lots or Parcels were feudally vested in the Honourable James Clerk Rattray, One of the Barons of the Court of Exchequer in Scotland, Robert Johnston, Merchant in Edinburgh, and Doctor Andrew Duncan, junior, Secretary of the Senatus Academicus of the University of Edinburgh, being Three of and a Committee appointed by the said Commissioners appointed by Royal Warrant to superintend the Erection of Buildings for the said University and the Expenditure of the Parliamentary Grants therefor, for the Purpose of making certain Purchases for their Behoof, and the Survivors and Survivor of the said Baron Clerk Rattray, Robert Johnston, and

and to cede Property for widening and improving the Approach to the proposed National Museum of Industry.

Andrew Duncan, junior, and the Heirs and Assignees of them, in trust and for Behoof of the said Commissioners, as the said Subjects, consisting of Five Lots or Parcels, were more particularly described in an Instrument of Sasine in favour of the said Baron Clerk Rattray, Robert Johnston, and Andrew Duncan, junior, as Trustees foresaid, dated the Twelfth Day of February One thousand eight hundred and twenty-two, and recorded in the Register of Sasines kept for the City of Edinburgh the same Day, and in the several Dispositions containing the Procuratories of Resignation on which the same proceeds, and the other Titles of the said Subjects; and also reciting that the said Trustees were all dead, the said Robert Johnston having been the last Survivor of them, and that the Heirs of the said Robert Johnston, having made up a Title as Heir to him in the said Trust Subjects, had conveyed and disponed the same to the said Magistrates and Town Council on the same Trusts as the said Subjects were held by the said Robert Johnston as surviving Trustee foresaid, with a view to enabling the said Magistrates and Town Council the more effectually to carry out the said Arrangement for surrendering the said Subjects for the Purposes of the said National Museum, in which Subjects the said Magistrates had been infeft conform to Instrument of Sasine in their Favour, recorded in the Burgh Register of Sasines for the City of Edinburgh the Seventh Day of March One thousand eight hundred and fifty-five; and also reciting that the Property belonging to the said Magistrates and Town Council, or under their Management and Disposal as Patrons and Guardians foresaid, situated on the North Side of North College Street, of which they agreed to cede as much as the said Lords might think necessary to throw into the said Street or Foot Pavement, when so required to be widened as aforesaid, was originally acquired by certain Trustees appointed by the Subscribers to a Fund for rebuilding the College of Edinburgh, in separate Lots, from William Keith, Accountant in Edinburgh, Walter Scott, Writer to the Signet, and the Incorporation of Bakers of Edinburgh, to whom the respective Purchase Monies were paid, but no Title, so far as then appeared, was ever obtained from these Parties; and also reciting that the whole of the said Property in West College Street was required for the said National Museum; and also reciting that the said Commissioners of Her Majesty's Works and Public Buildings had been appointed to carry out the Arrangements for the Acquisition of the Ground required for the Site of the said National Museum, and obtaining the same vested in them; therefore the said Right Honourable John Melville, Lord Provost, Adam Morrison, Francis Brown Douglas, George Clark, and John Kay, Esquires, Bailies, Peter Scott Fraser, Esquire, Dean of Guild, and David Dickson, Esquire, Treasurer, and the remanent Members of the

the Town Council of the said City of Edinburgh as the Trustees feudally vested in the Subjects therein-after disponed, and as Patrons and Guardians of the University of Edinburgh, or as having Right in any other Character or Capacity whatever to the said Subjects, did thereby alienate, convey, and dispone to and in favour of the said Commissioners of Her Majesty's Works and Public Buildings, for the Purposes of the said National Museum, all and the whole the foresaid Area of Land in West College Street, described as bounded by the said Street on the East, the Grounds of the Trades Maiden Hospital on the West, the Houses of Lothian Street on the South, and the Independent Chapel occupied by the Congregation of the Reverend Doctor Alexander on the North, or as the said Area was otherwise described in the foresaid Instrument of Sasine in favour of the said Baron Clerk Rattray, Robert Johnston, and Andrew Duncan, junior, and the other Titles of the said Subjects; and further the said Lord Provost, Magistrates, and Council thereby agreed and bound and obliged themselves and their Successors in Office to concur in any Plan that might be concerted by the said Commissioners of Her Majesty's Works and Public Buildings for widening the Approach to the said Museum, and to cede to the said Commissioners so much of the foresaid Property on the North Side of North College Street belonging to them as Patrons and Guardians foresaid as the said Commissioners might think necessary to throw into the said Street or Foot Pavement, when required to be widened, and to grant such Deeds as might be legally requisite for fully vesting the Ground so to be ceded in the said Commissioners, at the Expense of the said Commissioners, which several Subjects therein described were stated to be delineated on a Plan thereof, and of the other Subjects acquired or to be acquired by the said Commissioners for the Purposes of the said Museum, the Subjects first therein described being coloured Pink on said Plan, and the Subjects second therein mentioned being coloured Green thereon, which Plan is therein stated to be subscribed by the said Lord Provost and the First Commissioner of Her Majesty's Works and Public Buildings as relative to the said Deed of Agreement by which it was declared that the Disposition and Obligation therein contained were granted by the said Lord Provost, Magistrates, and Council only for the Purposes foresaid, and no otherwise, and which Purposes should be a Real Burden on the said Disposition granted and to be granted; and the said whole Parties thereto further considering that in order to fortify the Title thereby conferred and to be conferred to the said several Subjects, it had been deemed expedient that an Act of Parliament should be obtained for more effectually vesting the same in the said Commissioners; therefore it was thereby agreed to by and between the said several Parties thereto that the said Commissioners of Her Majesty's Works and Public Buildings should

within a reasonable Time and without undue Delay after the Date and Execution of the said Deed of Agreement, and at the Expense of the said Commissioners, apply for an Act of Parliament containing Clauses ratifying the said Deed of Agreement, and transferring to and vesting in the said Commissioners for the Purposes of the said Museum the several Subjects thereby disponed or to be disponed in the event and for the Purpose foresaid, and declaring them free and disburdened of the Trusts upon which the same were and had been held by the said Lord Provost, Magistrates, and Council, and their Predecessors, and containing such other Clauses as might be considered necessary for carrying out the Object and Intention of the said Deed of Agreement, and specially, without Prejudice to the said Generality, empowering the said Magistrates and Town Council to widen or alter the Approaches or Streets leading to the said Museum, in as far as they and the said Commissioners should consider necessary, but which Power so to be obtained should not impose or imply, or be deemed or taken to impose or imply, any Obligation on the said Lord Provost, Magistrates, and Council to widen or alter the said Approaches or Streets at the Expense of the Community and Common Good of said City, or out of any other Fund under their Management and Control: And whereas by a Disposition dated the Thirteenth, Fourteenth, Sixteenth, and Seventeenth Days of April One thousand eight hundred and fifty-five, made and executed by Henry Banks, Convener of the Incorporated Trades of the City of Edinburgh and Deacon of the Incorporation of Tailors of Edinburgh; Samuel Weir, Deacon of the Incorporation of Goldsmiths of Edinburgh; John Steele, Deacon of the Incorporation of Hammermen of Edinburgh; Thomas Johnstone, Deacon of the Incorporation of Wrights of Edinburgh; Edward Macgill, Deacon of the Incorporation of Masons of Edinburgh; John Ramage, Deacon of the Incorporation of Bakers of Edinburgh; John Cox, Deacon of the Incorporation of Furriers of Edinburgh; Robert Legget, junior, Deacon of the Incorporation of Skinners of Edinburgh; Thomas MacMillan, senior, Deacon of the Incorporation of Fleshers of Edinburgh; John James, Deacon of the Incorporation of Shoemakers of Edinburgh; George Tibbets, Deacon of the Incorporation of Waulkers of Edinburgh; Robert Brown, Deacon of the Incorporation of Websters of Edinburgh; John Williams, Deacon of the Incorporation of Bonnetmakers of Edinburgh; George Crichton, Goldsmith, Edinburgh, and William Beattie, Builder, Edinburgh, Trades Councillors of the said City; George Roper Dickie, Preses of the Society of Barbers of Edinburgh; Gordon Brown, residing in Buccleugh Place, Edinburgh; Robert Sclater, Die and Stamp Cutter, Edinburgh; James Nimmo, Brassfounder there; James Milne, Boot and Shoe Maker there; George Copland, Tailor there,

Purchase of Property from the Governors of the Maiden Hospital for the Purposes of the National Museum of Industry.

firstly and secondly recited Acts (as amended by this Act) relative to new Parishes, upon their becoming such, and to the Matters and Things consequent thereon, and to the Patronage of the same, so far as such Patronage is liable to be affected by any Provisions relative thereto herein-after contained, and no further, shall extend and apply to the said Parish and Church and the Patronage thereof, as fully and effectually as if the same had become a new Parish under the Provisions of the said last-mentioned Acts.

Commissioners may direct Revenues belonging to or arising from Church of Mother Parish to be retained.

XXIII. Upon any such District becoming a new Parish, or at any Time subsequent thereto, the Commissioners may, if they think fit, direct that all or any Portion of the Revenues or Endowments arising from or belonging to the Church of the original Parish out of which such new Parish has been taken, and which may have been before applicable towards the Endowment of the Church of such new Parish, shall cease to be so applicable or to be received by the Incumbent thereof, anything contained in any Local Act to the contrary notwithstanding.

Existing Laws and Regulations respecting Vestries to apply to Vestries of new Parishes.

XXIV. All the Laws and Regulations in any Act of Parliament now in force contained relative to the Constitution and Duties of Parish Vestries, so far as the same relate to Ecclesiastical Matters and Things, and to the Modes of Proceedings thereat, shall be applicable to the Vestries of all Parishes created pursuant to the Provisions of the said firstly and secondly recited Acts, or either of them, or this Act; and no Person being a Member of the Vestry of any Parish shall act in relation to any Ecclesiastical Matters or Things relating to any other Parish, or to the Church or Chapel of any other Parish, than that within which he shall reside, except he shall own Property within such other Parish sufficient to entitle him to vote at the Vestry thereof.

Church Rates to be only applicable where levied.

XXV. No Church Rate levied within any Parish shall be applicable to any but to the Church and to the Church Purposes of such Parish: Provided always, that when any Church Rates shall at the Time of the passing of this Act be chargeable under any Act of Parliament with the Repayment of any Sum of Money, or with the Payment of the Interest upon any Sum thereby authorized to be borrowed upon the Security of such Rates, such Church Rates shall still continue to be levied and be chargeable for such Purposes accordingly.

Reserved Fees to belong to original Incumbent until First Avoidance,

XXVI. Whenever upon any District becoming or having become a new Parish under this or the said Acts any of the Fees, Dues, Oblations, or Offerings arising within the Limits of such new Parish, or payable in respect of the Performance in the Church thereof of any of the Offices of the Church, shall, either wholly or in part, be or have

then to the Incumbent of new Parish.

been reserved or otherwise of Right belong to the then Incumbent of the original Parish, District, or Place out of which such new Parish shall be or shall have been taken, during his Incumbency, or to such Incumbent and his Successors, then and in every such Case such Fees, Dues, Oblations, or Offerings shall continue to be paid over by the Incumbent of such new Parish, either wholly or in part, according as the Custom has been, to the then Incumbent of such original Parish, District, or Place, during such his Incumbency as herein-before directed; but from and after the First Avoidance of the Church or Chapel of such original Parish, District, or Place, all the Fees, Dues, Oblations, or Offerings arising within such new Parish that may lawfully be required, and no other, shall be paid to and shall wholly and entirely be retained by the Incumbent for the Time being of such new Parish, and shall be received and be recoverable by him in like Manner as the Incumbent for the Time being of the original Parish, District, or Place would have been entitled to receive and recover the same or any Part thereof in case the same had not been so transferred; and the Commissioners shall, out of any Funds at their Control not specially applicable for any other Purpose, assign to the Incumbent for the Time being of such original Parish, District, or Place such annual Sum as may appear to the Commissioners a just and reasonable Compensation for the Loss which such Incumbent may sustain by reason of the Transfer of such Fees, Dues, Oblations, or Offerings.

Style and Character of Ministers of new Parishes.

XXVII. Notwithstanding anything in the firstly-recited Act contained, the Incumbent for the Time being of the Church of every new Parish which shall have become such under the said Act shall be styled the Rector or Vicar of such Parish, according as such Parish or the greater Part thereof shall have been originally contained within the Limits of a Rectory or Vicarage; and the Incumbent for the Time of every new Parish which shall hereafter become such under the said last-mentioned Act or this Act shall be styled the Vicar or Rector (as may be recommended by the Commissioners in the Scheme for constituting or declaring such separate District or new Parish) of the new Parish of , according to the Name fixed for the same as aforesaid, and such Rectors or Vicars, as the Case may be, shall in all respects be subject to the Jurisdiction of the Bishop and Archdeacon within whose Diocese and Archdeaconry such District shall be situate, and shall be subject to all Laws and Regulations for the Time being in force respecting Presentation, Institution, Collation, Induction, Residence, the ceasing or Determination of Incumbency, and the holding of Ecclesiastical Preferment, and shall be a Body Politic and Corporate, and shall have perpetual Succession, by the Name and in the Character aforesaid, and may in such Name and Character,

Character, notwithstanding the Statutes of Mortmain, receive and take to them and their Successors as well every Grant of Endowment or Augmentation made or granted by the Authority aforesaid as also any Real or Personal Estate or Effects whatsoever which any Person or Persons or Body Corporate may give or grant to them according to Law.

XXVIII. The Provisions contained in the Twentieth Section of the said firstly-recited Act respecting the Assignment of the Right of Patronage, either in perpetuity or for One or more Nominations, in certain Cases, by the Commissioners, shall apply to the Case of the Patronage of any Church or Chapel to which a District shall have been assigned, and the Patronage of which is vested by any of the Church Building Acts or by this Act in the Incumbent of the original Parish, District, or Place out of which such aforesaid District shall have been taken, by reason of his being such Incumbent, and not of any private Right, or of any new Parish which shall hereafter be constituted under this Act, or of any Benefice the Value of which is under Twenty Pounds in the King's Books, and the Patronage of which is vested in the Crown, and may be exercised by the Lord High Chancellor of Great Britain for the Time being, or of any Benefice in public Patronage, and the Patronage of which is vested in any Ecclesiastical Corporation, aggregate or sole, provided that the permanent annual Endowment of such Benefices respectively shall not exceed Two hundred Pounds per Annum: Provided always, that whenever it shall be proved to the Commissioners that any Church or Chapel to which a District shall have been assigned, and the Patronage of which is vested by any of the Church Building Acts or by this Act in the Incumbent of the original Parish, District, or Place out of which such District has been taken, has been erected or partially endowed mainly through the Exertions of the existing Incumbent of such original Parish, such Incumbent shall not be deprived of the Patronage of such Church, by any Assignment of the same during his Incumbency, without his Consent.

6 & 7 Vict. c. 37. s. 20. extended.

XXIX. An Endowment or Augmentation provided by some one or other of the Modes and in the Proportion following, provided the Commissioners shall think fit to accept the same, shall be sufficient for the Assignment by them of such Patronage in perpetuity:

Patronage may be conferred upon Contributors to Endowment, or their Nominees, upon certain Considerations.

I. The building a Church as and for the Church of such District, in case there shall be no Church at that Time situate therein and belonging thereto, and providing for the permanent Endowment of such Church a clear yearly Sum of not less than *Forty Pounds:*

II. The permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of not less than *One hundred and fifty Pounds:*

III. The permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of *One hundred Pounds*, and building or providing, in addition, upon a Plan to be approved by the Commissioners, a Parsonage House, to be held and enjoyed as and for the House of Residence of the Incumbent for the Time being of such Church or Chapel:

And such annual and Principal Sums respectively shall arise and be secured in such Manner as shall be approved of by the said Commissioners; provided that in lieu of such annual Sums respectively the Commissioners may accept such Principal Sums as at the current Rate of Interest on Money invested in the Public Funds would yield the respective annual Sums hereby required to be provided.

Assignment of Patronage to be made with certain Consents.

XXX. Such Assignment shall be made in the following Case with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Lord High Chancellor of Great Britain for the Time being, with the Consent of the Crown; in the Case of a Benefice in the Patronage of a Bishop, with the Consent of the Archbishop of the Province; in the Case of a Benefice in the Patronage of any Ecclesiastical Corporation Aggregate, or of an Incumbent of any Benefice, with the Consent of the Bishop of the Diocese; in the Case of a Benefice in the Patronage of a Canon or Prebendary, with the Consent of the Patron of such Canonry or Prebend respectively.

Notices to be sent to Patrons.

XXXI. When the Commissioners shall intend to make any such Assignment as aforesaid, they shall give Notice in Writing of such Intention to the Patron or Patrons of such Benefices, and shall not proceed to make such Assignment until after the Expiration of Three Months from the Date of such Notices being sent; and no such Assignment shall be made to any other Body or Person whatsoever, whenever such Patron or Patrons shall, within the above-mentioned Period, undertake to provide a permanent Endowment or Augmentation in one or other of the Modes heretofore mentioned, to the Satisfaction of the said Commissioners.

Who to be deemed Patrons.

XXXII. The Provisions of an Act passed in the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and six, relative to the Party or Parties who shall be deemed the Patron or Patrons of the Benefices therein mentioned, shall be applicable for the Purposes of this Act.

XXXIII. When-

XXXIII. Whenever the Right of Patronage of any such before-mentioned Benefice with Cure of Souls shall, pursuant to the foregoing Provisions of this Act, have become vested in perpetuity in any Body or Person by reason of such Body or Person having augmented the Endowment of such Benefice in such adequate Manner as is hereinbefore mentioned, and whenever such Benefice shall, at the Time of such Transfer of Patronage, be already permanently endowed with an annual Sum of not less than *Forty Pounds*, no subsequent Sale or Assignment or other Disposition of such Patronage by any Body or Persons whatsoever, for any valuable Consideration whatever, shall be made until after the Two Nominations to such Benefice, Church, or Chapel next following upon such Assignment, but every such Sale, Assignment, or other Disposition of such Patronage shall be illegal, and every Presentation, Collation, Admission, Institution, or Induction thereupon shall be void, and the Right of Patronage of such Benefice shall thereupon for Two Nominations lapse to the Bishop. Patronage not to be sold. Penalty of Lapse for so doing.

XXXIV. Upon the Constitution of a new Parish under the said Acts or this Act, it shall be lawful for the Commissioners, in the meantime and until the Conditions of the said Acts or of this Act relating to the Assignment of the Patronage of the Church of such new Parish in consideration of an Endowment provided for the same shall have been complied with, and subject to the Conditions relating thereto herein contained, to assign such Patronage, if they shall see fit, to the Incumbent of the original Parish out of which such new Parish shall have been taken, and if such Parish shall have been formed out of more than One Parish, then to one or other of the Incumbents of such Parishes as they shall think fit, anything contained in the Twenty-first Section of the first-recited Act to the contrary notwithstanding Patronage may be vested in certain Cases in Incumbent of original Parish.

XXXV. All Endowments, of whatever Form and Character, which shall hereafter be provided for any Parish, District, or Benefice, and the Church or Chapel thereof, under the Provisions of the said firstly and secondly recited Acts or of this Act, shall be settled and assured by the Body or Person providing the same, free from Incumbrances, by such Deed or Deeds and in such Manner as the Commissioners shall from Time to Time direct, unto and to the Use of the Incumbent for the Time being of the Church or Chapel of such Parish, District, or Benefice, and his Successors for ever, or in case such Church or Chapel should then be vacant of an Incumbent, to the Bishop of the Diocese and his Successors, in trust for such Incumbent and his Successors for ever, when such Incumbent shall be admitted or licensed; and such Deed or Deeds shall be confirmed by the Commissioners under their Corporate Seal, and entered in the Registry of the Diocese in which such Parish, District, or Benefice shall be situate, and shall Lands, Tithes, &c. and other Endowments to vest in Incumbent and his Successors.

be enrolled in Her Majesty's High Court of Chancery within *Six* Months from the Date of the Execution of the same, and when so made, confirmed, and enrolled shall be valid and effectual in Law to all Intents and Purposes, whether such Church or Chapel shall be vacant or full of an Incumbent, and notwithstanding the Statute of Mortmain, or any other Law or Statute whatsoever.

When several join in building or endowing, Patronage to be vested in Trustees.

XXXVI. Wherever any Body and Person, or Two or more Bodies and Persons respectively, shall have joined in erecting and endowing any Church or Chapel, or in endowing or augmenting the Endowment of any Church or Chapel already erected, in pursuance of the foregoing Provisions of this Act, the Patronage of such Church or Chapel, as far as regards the Right thereto of such Bodies or Persons aforesaid, shall by such Deed of Endowment, made, confirmed, or enrolled as aforesaid, be vested in Truseees who shall be Members of the United Church of England and Ireland, and not more than Five in Number, to be for that Purpose named in such Deed of Endowment by the said Bodies or Persons so joining in erecting, endowing, or augmenting such Endowment as aforesaid, or by the major Part in Value of the Subscribers thereto respectively of not less than Fifty Pounds; and such Trustees shall, as regards such Bodies and Persons aforesaid, be the Patrons of such Church or Chapel, and upon every Vacancy thereof shall present or nominate thereto, or shall participate in the Patronage thereof upon alternate or other Vacancies, together with the former Patrons or Patron thereof (if any), as the Case may be, according as shall be directed and settled in and by the Deed of Endowment, and in default of any such Direction and Settlement, according as the Commissioners shall determine.

Appointment of Trustees, &c.

XXXVII. Every Trustee to be appointed in pursuance of the foregoing Provision shall, upon his Appointment, and as often as he exercises or concurs in exercising the Right of Nomination or Presentation, sign a Declaration that he is a Member of United Church of England and Ireland; and all Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability or Refusal to act, shall be filled up in such Manner as by the said Deed of Endowment shall be provided; and if it shall happen that all the Trustees for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment) appointed any other Trustees or Trustee as their Successors, or in case any Vacancy in the Number of such Trustees shall not be filled up for the Space of *One Year* from the Date of such Vacancy occurring, then and in either Case it shall be lawful for the Bishop of the Diocese to nominate, appoint, or complete the Number of Trustees by the said Deed of Endowment required; and every such Appointment, whether made in pursuance of the said Deed of Endowment or by the Bishop,

Bishop, shall be valid and effectual for the Purpose of conveying the Right of Nomination; and during any Vacancy or Vacancies in the Office of Trustee the remaining or continuing Trustees or Trustee for the Time being shall be capable of acting, as fully and effectually as if such Vacancy or Vacancies had been duly filled up: Provided always, that the Patronage of any such Church or Chapel shall not at any Time be vested in or held in trust by more than Five Persons, except where such Patronage passes by Descent to Coparceners, or by the Custom of Gavelkind to more than Five Persons, or is conveyed by Will or Deed to more than Five Children, Grandchildren, Nephews, or Nieces of the Grantor or Devisor.

Parishes may be divided with certain Consents.

XXXVIII. It shall be lawful for the Commissioners by the Authority aforesaid, and subject to such Consents as are herein-after mentioned, to divide any Parish into Two or more distinct and separate Parishes for all Ecclesiastical Purposes whatsoever, and to fix and settle the respective Proportion of Tithes, Glebe Lands, and other Endowments which shall arise, accrue, remain, and be within each of such respective Divisions, according as by the like Authority shall be deemed advisable; and the Order made by Her Majesty in Council, ratifying the Scheme for such Division, shall be good and valid in Law for the Purpose of effecting the same; and such Scheme shall set forth the particular Expedieney of such Division, and how far it may be necessary in consequence thereof to make any Alteration in Ecclesiastical Jurisdiciton, and how the Changes consequent upon such Division in respect of Patronage, Rights of Pew Holders, and other Rights and Privileges, Glebe Lands, Tithes, Rentcharges, and other Ecclesiastical Dues, Oblations, Offerings, Rates, and Payments, may be made with Justice to all Parties interested; and such Scheme shall also contain such Directions and Regulations relative to the Duties and Character of the Incumbents of the respective Divisions of such Parish, and to the Performance of the Offices and Services of the Church in the respective Churches thereof, and to the Fees to be taken for the same respectively, and to any other Matter or Thing which may be necessary or expedient by reason or in consequence of such Change: Provided always, that such Division shall be made in the following Cases with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Lord High Chancellor of Great Britain for the Time being, with the Consent of the Crown; in the Case of a College, with the Consent of the Visitor; in the Case of a Bishop, with the Consent of the Archbishop of the Province; in the Case of a Dean or a Dean and Chapter, with the Consent of the Bishop of the Diocese; in the Case of a Canon or Prebendary, with the Consent of the Patron of such Canonry or Prebend respectively; and in the Case of a Benefice in private Patronage, with the Consent of the Patron thereof: And provided

provided also, that no such Division shall take effect until after the First Avoidance then next ensuing of the Church of the Parish to be so divided, unless with the Consent in Writing of the actual Incumbent thereof.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.

XXXXI. In Cases where any Parish shall have been divided into Two or more distinct and separate Parishes, or where any District or new Parish shall have been constituted or formed out of any Parish, District, or Place, pursuant to the Provisions of the said Church Building Acts and the said firstly and secondly recited Acts, or either of them, or of this Act, it shall be lawful, by the Authority aforesaid, and with the Consent of the respective Patrons and Incumbents of such distinct and separate Parishes, or of such Parish, District, or Place, as the Case may be, to make a Separation and Division of the Glebe Lands, Tithes, Rentcharges, and other Endowments belonging to such distinct and separate Parishes, or to such Parish, District, or Place, and to annex and resettle the same to and for the Benefit of such distinct and separate Parishes, or of such Parish, District, or Place, and the District or new Parish constituted or taken thereout, as the Case may be, in such Manner and Proportions as by the Authority aforesaid may be deemed expedient, and to make such Regulations and Arrangements as may be requisite for effectually completing such Division and Settlement as aforesaid.

Another Church may be substituted for the old Parish Church, with certain Emoluments and Endowments transferred.

XL. It shall be lawful, by the Authority aforesaid, with the Consent of the Bishop of the Diocese, of the Patron, and of the Vestry of the Parish Church of any ancient or distinct Parish, to direct that any other Church or Chapel within the original Limits and Boundaries of such Parish shall, with the Consent of the Patron thereof, become and be the Parish Church of such Parish in the Stead of the ancient Parish Church, whether such Church or Chapel shall then be the Church or Chapel of a District or not, and to direct such Transfer or Exchange of Rights, Privileges, Dues, Emoluments, and Endowments to be made, and such other Matters and Things to be done and performed as may be necessary to carry out and complete such Change, and if such Church or Chapel shall be the Church or Chapel of a District, then to re-arrange the Bounds of such District, if necessary, and such other Church or Chapel shall thereupon become and be the Parish Church of such Parish, and such former Parish Church shall become and be a District Church, or a Chapel, with or without a District, according as by the Authority aforesaid shall be directed; and the Incumbent of such former Parish Church, shall become and be the Incumbent of such new Parish Church without any Presentation, Institution, or Induction, or other Form of Law whatever, and the Scheme to be prepared by the Commissioners for effecting such Substitution

possessed of, or interested in any such House or Houses, Grounds, or other Subjects which the said Commissioners of Her Majesty's Works and Public Buildings shall judge it necessary or desirable to purchase and acquire for the Public Service, whether such Houses, Grounds, or other Subjects are held under Titles in Fee Simple, Trust, or Tailzie, or affected by any Restriction preventing the free Disposal thereof, to sell and convey to the said Commissioners of Her Majesty's Works and Public Buildings, or their Successors in Office, or to such other Person or Persons as they shall appoint, all or any such Houses, Grounds, or other Subjects, or any Part thereof, and that all Contracts, Agreements, Sales, or other Conveyances that shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof notwithstanding; and all Trustees, Tutors and Curators, Corporations, Proprietors, or Incumbrancers subject to Tailzies, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue hereof or in pursuance of this Act.

Price to be deposited in Bank, and re-invested in other Property, with the Sanction of the Court of Session.

XVII. The Price or Prices of any Subjects to be so purchased and acquired by the said Commissioners or their Successors shall be deposited, in the Names of the Parties selling and disponing such Subjects, in either of the Bank of Scotland, Royal Bank, or Bank of the British Linen Company, there to remain subject to the Directions of the Court of Session; and such Price or Prices shall, after Deduction of all proper Expenses incurred in consequence of such Sales, if the Interest to accrue on such Price or Prices is not sufficient to meet the said Expenses, be laid out upon Land or other Heritable Security in the Case of Sales of Subjects held under Entail, and the Rights and Securities devised and taken to the same Series of Heirs and subject to the same Conditions in every respect as are contained in the original Title Deeds of the Subjects under Entail, purchased and acquired as aforesaid; and in the Case of Subjects so to be purchased and acquired by the said Commissioners as aforesaid being held by Trustees, Bodies Politic, Corporate, or Collegiate, or others whatsoever, for Purposes and Objects which they could not lawfully defeat, the Price or Prices to be deposited as aforesaid shall, after Deduction of all proper Expenses incurred in consequence of such Sales, if the Interest to accrue on such Prices should not be sufficient to meet the said Expenses, be re-invested, under the Authority and with the Sanction of the Court of Session, in such Manner as shall best secure the Fulfilment of the Purposes and Objects for which such Subjects were prior to the Sale thereof held under the Titles thereof or otherwise.

SCHEDULE referred to by the Act.

Be it remembered, That by virtue of an Act passed in the Session of Parliament holden in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], the Area of Land situate in West College Street of Edinburgh, herein-after described, and which was vested in the Lord Provost, Magistrates, and Town Council of the City of Edinburgh, subject to certain Trusts, and disponed by them to the Commissioners of Her Majesty's Works and Public Buildings, was transferred to and vested in the said Commissioners for the Purposes and under the Conditions specified or referred to in the said Act of Parliament, and no otherwise, as fully and effectually as if the said Commissioners were infeft and seised therein, and the same, as well as the said Lord Provost, Magistrates, and Council, were declared freed and discharged of the Trusts upon which the said Area of Land was held by the said Lord Provost, Magistrates, and Council, and their Predecessors in the said Subjects, in the same Manner and to the same Effect as if such Trusts had never existed; which Area of Land is described as follows [*here insert the Description of the said Area of Land as given in the before-recited Agreement between the said Commissioners and the said Lord Provost, Magistrates, and Council, or the Description given in the Titles thereof, or both, as may be deemed best for the proper Identification of the Subjects*]. In witness whereof this Memorandum or Abstract of the above-recited Provision of the said Act of Parliament is in pursuance thereof signed by the Right Honourable the Lord Provost of the City of Edinburgh, before these Witnesses,

A. B. Witness.

C.D. Witness.

Edinburgh Lands.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To ratify conditional Agreements entered into by the Commissioners of Her Majesty's Works and Public Buildings; and to vest in the said Commissioners certain Property situate near the College of Edinburgh in the City of Edinburgh, together with the General Register House in the said City, and all Lands held therewith; and to enable the said Commissioners to acquire certain Property near the Palace of Holyrood.

(Prepared and brought in by Sir William Molesworth and The Lord Advocate.)

Ordered, by The House of Commons, *to be Printed,* 21 *May* 1855.

[Bill 141.]

Under 3 oz.

Education Bill.

ARRANGEMENT OF CLAUSES.

Council of a Borough may submit a Scheme for Promotion of Education to the Education Committee; Sect. 1.
Two Thirds of Town Council to be present at Meeting at which an Order for laying Scheme before Education Committee is made; 2.
If Scheme approved by Education Committee, same may be carried into effect; 3.
Scheme may be altered, with Approval of Education Committee; 4.
Expenses to be defrayed out of the Borough Fund; 5.
Act may be adopted by Parishes; 6.
Manner of adopting Act in Parishes; 7.
Upon Receipt of Requisition, Churchwardens to give Notice of Time and Place for receiving Votes. Form of Notice; 8.
Form of Declaration upon Requisition of Ratepayers; 9.
Churchwardens to declare whether the Votes are in favour of adopting this Act; 10.
Ratepayers may inspect Votes; 11.
No Person to vote unless he has been rated One Year; 12.
Notice of Adoption of the Act; 13.
No similar Requisition to be made within Three Years; 14.
Penalties on Churchwardens refusing to give Notices, &c.; 15.
Where Parish adopts this Act, a Scheme may be submitted to Education Committee, in like Manner as by a Town Council; 16.
Expenses in any Parish to be paid out of the Poor Rate; 17.
The Holy Scriptures to be read in certain Schools, but Catholic and Jewish Children not to be obliged to be present during their reading; 18.
Dissenting, Roman Catholic, and Jewish Children released from learning Catechism or attending Church, &c., without their Parents Consent; 19.
Town Councils and Vestries to have the Management of Schools, subject to Government Inspection, and the Rights of Trustees or Visitors; 20.
Order of Education Committee may be recalled; after Recall, Authority of Council or Vestry to cease; 21.
Interpretation Clause; 22.

A

BILL

TO

Promote Education in England.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Council of a Borough may submit a Scheme for Promotion of Education to the Education Committee.

I. It shall be lawful for the Council of any Borough in England to submit to the Education Committee of the Privy Council a Scheme for the Promotion of Education in such Borough, whether by establishing and maintaining a new School or Schools, or by aiding any existing School or Schools with a view to extend the Benefits thereof, or by both such Means, showing the Particulars of the School or Schools so proposed to be established or aided respectively, and the Rules proposed to be established or adopted for the Government and Management of such School or Schools, including any Rules in force which it is proposed to continue in any School to be so aided, with an Estimate of the Expenditure which will be from Time to Time required for such School or Schools as aforesaid, in addition to any Funds which the Council may have at its Disposal, or which may be otherwise available for the proposed Objects.

Two Thirds of Town Council to be present at Meeting at which an Order for laying Scheme before Education Committee is made.

II. No Scheme shall be submitted as aforesaid by the Council of any Borough, except in pursuance of an Order made at a Meeting of such Council at which not less than *Two Thirds* of the whole Number of such Council are present, which Meeting shall be summoned by public Notice, and by a Summons to every Member to attend such Meeting, the Notice and Summons specifying the Intention to propose making such Order, and such Notice and Summons being given according to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, concerning the like Notice and Summons, *Fourteen* clear Days at least before such Meeting.

If Scheme approved by Education Committee, same may be carried into effect.

III. In case the said Education Committee approve of such Scheme, either with or without any Alteration or Modification, it shall be lawful for the Borough Council by which the same has been submitted to such Committee to carry the same into effect.

Scheme may be altered, with Approval of Education Committee.

IV. Such Scheme and any such Rules so submitted to and approved by the said Education Committee may be at any Time altered by the Council, with the Approval of the said Education Committee, but not otherwise.

Expenses to be defrayed out of the Borough Fund.

V. The Expenditure to be incurred under this Act in any Borough, beyond what may be defrayed out of other Funds available for that Purpose, shall be chargeable upon and paid out of the Borough Fund, and for that Purpose the Council may levy with and as Part of the Borough Rate, or by a separate Rate, to be assessed, levied, paid, and recovered in like Manner, and with the like Powers and Remedies in all respects, as the Borough Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenditure, and shall apply the same accordingly, as if such Expenditure were an Expense necessarily incurred in carrying into effect the Provisions of the said Act of the Fifth and Sixth Years of King William the Fourth: Provided always, that no greater Amount shall be raised by Rate by virtue of this Act in any Borough in any Year than after the Rate of *Sixpence* in the Pound of the annual Value of the Property rateable to a Borough Rate in such Borough.

Act may be adopted by Parishes.

VI. This Act may be adopted in manner herein-after mentioned by any Parish not within any Borough.

Manner of adopting Act in Parishes.

VII. Any Number of Ratepayers amounting at least to *One Fifth* of the Ratepayers of any Parish, or to *Fifty* Parishioners, may deliver a Requisition signed by them, and describing their Places of Residence, to the Churchwardens of the said Parish, or to One of

of them, requiring the said Churchwardens to ascertain in manner herein-after mentioned whether or not a Majority of the Ratepayers of the Parish wish this Act to be adopted therein; and such Requisition may be in the Form or to the Effect following; (that is to say,)

Form of Requisition.

'To the Churchwardens of the Parish [insert here the Name of the Parish].

'WE, whose Names are hereunto subscribed, being Ratepayers 'resident in the said Parish, and respectively rated or assessed 'to the Relief of the Poor thereof, hereby require you the said 'Churchwardens to ascertain and determine the Adoption or Non-'adoption of an Act of the Year of the Reign of 'Queen Victoria, Chapter , "to promote Education in 'England."'

Upon Receipt of Requisition, Churchwardens to give Notice of Time and Place for receiving Votes.

VIII. The said Churchwardens of the said Parish shall, on the First or Second Sunday after the Receipt of such Requisition, affix or cause to be affixed a Notice to the principal Doors of every Church and Chapel within the said Parish, specifying some Day, not earlier than *Ten* Days and not later than *Twenty-one* Days after such Sunday, and at what Place or Places within the said Parish, the Ratepayers are required to signify their Votes for or against the Adoption of this Act, which Votes shall be received on *Three* successive Days, commencing at *Eight* of the Clock in the Forenoon and ending at *Four* of the Clock in the Afternoon of each Day; and the said Notice shall be to the following Effect:

Form of Notice.

'THE Churchwardens of this Parish of [insert here the Name of the 'Parish] having received a Requisition duly signed according 'to the Provisions of an Act of the Year of the 'Reign of Queen Victoria, Chapter "to promote Education 'in England," the Ratepayers of the said Parish are hereby re-'quired, all and each of them, on the Day 'of next, and the *Two* following Days, 'to signify to the said Churchwardens by a Declaration, either 'printed or written, or partly printed or partly written, addressed 'and delivered to One of the Churchwardens at '[insert here the Place], their Votes for or against the Adoption of 'the aforesaid Act.

'(Signed) Churchwardens.'

Form of Declaration.

IX. The said Declaration shall be to the following Effect:

'I A.B. of Street [or Place or House] in this 'Parish of vote [for or against, as the Case may be,] 'the Adoption by this Parish of the Act of the Year of the

'Reign of Queen Victoria, Chapter , "to promote Education 'in England.'"

Churchwardens to declare whether the Votes are in favour of adopting this Act.

X. The said Churchwardens shall carefully examine the Votes to them delivered as aforesaid, and shall compare them with the last Rate made for the Relief of the Poor of the said Parish, and shall be empowered to call before them and examine any Parish Officer touching the said Votes, or any Ratepayer so giving his Vote, and after a full and fair summing-up of the said Votes shall, by public Notice according to the Form and Manner herein-after prescribed, declare whether or not *Two Thirds* of the Votes given have been given in favour of the Adoption of this Act; and the Adoption or Non-adoption of this Act shall be decided by such Number of Votes as aforesaid: Provided always, that the whole Number of Persons voting shall be a clear Majority of the Ratepayers of the Parish.

Ratepayers may inspect Votes.

XI. Any of the Ratepayers of the said Parish, not exceeding *Five* together, may inspect, at or in the Vestry Room, or in some convenient Place within the same Parish, the Votes so given for and against the Adoption of this Act, at all seasonable Times within *One Month* after such Notice has been given; and the Churchwardens of the said Parish are hereby required carefully to preserve the said Votes, and freely to permit the Examination thereof by the said Ratepayers at all seasonable Times within the Period aforesaid.

No Person to vote unless he has been rated One Year.

XII. No Person shall be deemed a Ratepayer, or be entitled to vote or act as such, under this Act, unless he have been rated to the Relief of the Poor for the whole Year immediately preceding his so voting or otherwise acting as such Ratepayer, and have paid all the Parochial Rates due from him at the Time of so voting or acting, except such as have been made or become due within the *Six* Months immediately preceding such voting.

Notice of Adoption of the Act.

XIII. Notice of the Adoption of this Act by any Parish shall be forthwith given by the Churchwardens for the Time being of the Parish by affixing a Notice of the same to the principal Doors of every Church and Chapel within the Parish; which Notice shall be to the following Effect:

'Parish of [here insert the Name of Parish].

'NOTICE is hereby given, That the above-named Parish has 'adopted the Act of the Year of the Reign of Queen 'Victoria, Chapter , "to promote Education in England;" and 'that

'that the Numbers of the Majority and Minority of Votes given 'for and against the Adoption of the said Act are as follows; that 'is to say, Votes for the Adoption thereof, and 'Votes against the Adoption thereof.

'Dated this Day of in the Year of our 'Lord

'(Signed) Churchwardens.'

No similar Requisition to be made within Three Years.

XIV. If the Ratepayers determine, in manner aforesaid, against the Adoption of this Act, it shall not be lawful to make another Requisition for the same Purposes within *Three* Years after such Determination.

Penalties on Churchwardens refusing to give Notices, &c.

XV. If any Churchwarden refuse or neglect to give any Notice directed by this Act, or to receive the Vote of any Ratepayer as aforesaid, or in any Manner whatsoever alter, falsify, conceal, or suppress any Vote as aforesaid, such Churchwarden shall be deemed guilty of a Misdemeanor.

Where Parish adopts this Act, a Scheme may be submitted to Education Committee, in like Manner as by a Borough Council.

XVI. Where this Act is adopted by any Parish, the Vestry of such Parish may submit to the Education Committee of the Privy Council a Scheme for the Promotion of Education in such Parish, with the like Particulars and the like Estimate of Expenditure as herein-before provided with respect to the Council of a Borough, such Scheme to be signed by the Chairman presiding at such Vestry; and the Provisions herein-before contained concerning the Approval of a Scheme submitted by the Council of a Borough, and authorizing the carrying of such Scheme into effect, and concerning the Alteration of such Scheme by such Council, with the Approval of the said Committee, shall apply to a Scheme submitted by the Vestry, and to such Vestry, in like Manner as to the Scheme submitted by such Council and to such Council.

Expenses in any Parish to be paid out of the Poor Rate.

XVII. The Expenditure incurred under this Act in any Parish, beyond what may be defrayed out of other Funds available for that Purpose, shall be charged upon and paid out of the Rates for the Relief of the Poor of such Parish; and the Overseers or other Officers authorized to make and levy Rates for the Relief of the Poor in such Parish shall, upon Receipt of an Order under the Hand of the Chairman presiding at any Meeting of the Vestry of such Parish, in pursuance of any Resolution of such Vestry, pay the Sums therein mentioned out of the Rates for the Relief of the Poor, in manner thereby directed: Provided always, that no greater Amount shall be so paid in any Year than after the Rate of *Sixpence* in the Pound of the rateable Value of the Property rated in such Parish.

The Holy Scriptures to be read in certain Schools, but Catholic and Jewish Children not to be obliged to be present during their reading.

XVIII. By the Rules of any School to be authorized by the said Education Committee, or to be established by them or under their Authority, or to be assisted by them or by their Authority with any Grant of Money, or to be established or aided under this Act, it shall be required that the Holy Scriptures shall be read in such School as a Part of the reading therein, but not so as to be used as a School Lesson Book; and it shall also be required that no Child of any Parents professing the Roman Catholic or the Jewish Religion shall be obliged to be present at the reading of the Holy Scriptures, unless such Parents or the Guardians of such Child are willing that such Child should be so present: Provided always, that this Enactment shall not extend to any Roman Catholic or Jewish School.

Dissenting, Roman Catholic, and Jewish Children released from learning Catechism or attending Church, &c., without their Parents Consent.

XIX. By the Rules of any School to be authorized by the said Education Committee, or to be established by them or under their Authority, or to be assisted by them or by their Authority with any Grant of Money, or to be established or aided under this Act, it shall be required that no Catechism shall be taught to, nor Liturgy used by, or Attendance on Church or other Religious Observance required of, any Child of any Parents of any Protestant Dissenting Persuasion, or of the Roman Catholic or Jewish Persuasion, unless such Parents or the Guardians of such Child are willing that such Child should be taught such Catechism, or use such Liturgy, or attend such Church or other Religious Observance.

Town Councils and Vestries to have the Management of Schools, subject to Government Inspection, and the Rights of Trustees or Visitors.

XX. The Council of any Borough and the Vestry of any Parish acting under this Act shall have, by themselves, or by such School Committee or other Committee as they may appoint, the entire Management, Direction, and Superintendence of the Schools to be established or aided under this Act by such Council or Vestry, subject to the Rights of any Trustees or special Visitors of any such Schools; but all Schools established or aided under this Act shall be subject to the Inspection of any Inspectors appointed by the said Education Committee.

Order of Education Committee may be recalled; after Recall, Authority of Council, &c. to cease.

XXI. The said Education Committee may at any Time make an Order recalling any Order approving any Scheme under this Act, stating the Reasons for such Recall; and after such Order of Recall the Provisions of this Act respecting the Council or Vestry, and the Schools established or aided by them, shall cease and determine.

XXII. For

XXII. For the Purposes of this Act the Word "Borough" shall include any City, Town, or other Place subject to the Provisions of the said Act of the Fifth and Sixth Years of King William the Fourth; and the Word "Parish" shall include every Place separately maintaining its own Poor. Interpretation Clause.

Education.

A

BILL

To promote Education in England.

(*Prepared and brought in by*
Lord John Russell and Mr. Hastings.)

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1855.

[Bill 20.]

Under 2 *oz.*

16 *March* 1855. 18 VICT.

No. 2.)

A

B I L L

FOR

The better Encouragement and Promotion of Education in England.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS it is desirable to make Provision for the better Encouragement and Promotion of Education in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Adoption of this Act.

On Requisition of Ratepayers in Boroughs, Unions, and Parishes, Notice to be given of Time and Places for receiving Votes.

I. At any Time from and after the *passing of this Act* it shall be lawful for any *Five* or more Ratepayers residing in any Municipal or Borough Town, or in any Parochial Union not within a Municipal Boundary, or in any Parish not in Union, and not within a Municipal Boundary, to require, by Notice under their Hands, the Mayor of such Municipal or Borough Town, or the Chairman of the Board of Guardians of such Parochial Union, or Parish not in Union, to take the Votes of the Ratepayers of such Borough, Parochial Union or Parish, qualified to vote at an Election of Guardians of the Poor therein, as to the Propriety of bringing into operation therein the Provisions of this Act; and the Mayor or Chairman of the Board of Guardians as aforesaid, within *Seven* Days after receiving such Requisition, shall cause a Public Notice to be affixed on or near to the Town Hall of the Borough, or on or near to the outer Door of

the Workhouse of the Union or Parish, and on or near to the principal Door of every Church or Chapel within such Borough, Union, or Parish, as the Case may be; and shall also cause Notice to be inserted in some Newspaper published in such Borough, Union, or Parish, or if there be none so published, in some Newspaper published in the County in which such Borough, Union, or Parish is situate, specifying on what Day, not earlier than *Ten* Days after the affixing and Publication of such Notices, and at what Place or Places within such Borough, Union, or Parish, the Ratepayers are required to signify their Votes for or against the Adoption of this Act; which Votes shall be received on the Day named in such Notice, commencing at *Nine* of the Clock in the Forenoon, and ending at *Four* of the Clock in the Afternoon of such Day.

Persons entitled to vote.

II. The Mayor of any such Borough, or the Chairman of the Board of Guardians of any such Union or Parish, shall appoint Places and Persons for taking the said Votes; and every Person who is rated to the Relief of the Poor within the Borough, Union, or Parish, in which the Votes are to be taken, shall be entitled to One Vote for or against the Adoption of this Act, and no Person who is not so rated shall be entitled so to vote; and the Mayor or Chairman of the Board of Guardians of any such Borough, Union, or Parish, shall examine the Votes, and shall by Public Notice, in manner herein-after mentioned, declare whether a Majority of the Votes given have been given in favour of the Adoption of the said Act; and the Adoption or Non-adoption of this Act shall be decided by such Number of Votes as aforesaid; and Notice of the Adoption of this Act by the Borough, Union, or Parish shall be forthwith given by affixing the same at or near to the Door of the Town Hall, Workhouse, Churches, and Chapels as aforesaid; and a Certificate to the same Effect, signed by such Mayor or Chairman of the Board of Guardians, shall be forthwith transmitted to the Committee of Council on Education, and to the Town Council of the Borough, or the Board of Guardians of the Union or Parish, in and for which this Act may have been adopted.

Public Notice to be given, if a Majority of Votes in favour of the Adoption of the Act.

If Ratepayers do not adopt Act, it shall not again be proposed for One Year.

III. If the Ratepayers of any Borough, Union, or Parish shall determine in the Manner aforesaid against the Adoption of this Act, it shall not be lawful within *One Year* after such Determination again to take the Votes of the Ratepayers of such Borough, Union, or Parish, for the Purpose of ascertaining whether the Provisions of this Act shall be adopted for such Borough, Union, or Parish.

Appointment of School Committees.

School Committees to be

IV. In every Borough, Union, or Parish in which this Act shall be adopted there shall be a School Committee, to be chosen as is herein-after provided; and every Person assessed to the Poor Rate within any

any Borough, Union, or Parish, upon Property whose rateable Value shall be not less than *Thirty Pounds* a Year, shall be qualified to be elected as a Member of the School Committee for such Borough, Union, or Parish; and every Person who would be entitled at the Time of such Election to nominate or vote at the Election of a Guardian of the Poor for the Borough, Union, or Parish shall be qualified to nominate and to vote at the Election of a Member of the School Committee for such Borough, Union, or Parish; the Number of Members of the School Committee of every Borough, Union, and Parish in which this Act may be adopted shall be regulated as follows; (that is to say,) One Member for every Parish within such Borough or Union having a Population of *Five thousand* or less than *Five thousand* Inhabitants; and for every Parish having a Population exceeding *Five thousand* Inhabitants, such Number of Members as shall be in the Proportion of One Member for every *Five thousand* Inhabitants of such Parish.

Elected by Ratepayers.

Number of Members.

V. The Town Clerk of every Borough and the Clerk to the Guardians of the Poor of every Union or Parish in which this Act may be adopted, or the Persons acting as such Town Clerk or Clerk to the Guardians of the Poor, shall conduct the First Election of the Members of the School Committee for such Borough, Union, or Parish respectively, and shall be the Returning Officers thereof; and every subsequent Election shall be conducted by the Clerk to be appointed by the School Committee of the Borough, Union, or Parish, under the Authority herein-after provided, and such Clerk shall be the Returning Officer for the Borough, Union, or Parish in which he acts at every such subsequent Election.

Returning Officer.

VI. On the *First Monday* in the Month of *January* in the next and in every succeeding Year after the Adoption of this Act in any Borough, Union, or Parish, every Returning Officer shall cause a Notice to be published within the said Borough, Union, or Parish respectively, which shall set forth the following Particulars; (that is to say,) the Number and Qualification of the Persons to be elected in respect of the Borough, Union, or Parish; the Persons by whom and the Places where the Nomination Papers are to be received, and the last Day on which they are to be sent; the Mode of voting in case of a Contest, and the Days on which the Voting Papers will be delivered and collected, and the Time and Place for the Examination and casting up of the Votes.

What Notice of Election to be given.

VII. On such *Monday*, or before the following *Thursday*, any Person entitled to nominate in the Borough, Union, or Parish may nominate himself, if qualified to be elected, or any other Person or

Nomination of Candidates.

Persons so qualified not exceeding the Number of Persons to be elected for the Borough, Union, or Parish, but such Nomination shall be in Writing, and shall state the Christian and Surnames, Residence, Calling, Profession, or Quality of the Person nominated, and shall be signed by the Person nominating, and be sent or delivered to the Returning Officer of the Borough, Union, or Parish; provided that no Nomination Paper sent or delivered before such *Monday* or after the following *Thursday* shall be valid.

Return where no supernumerary Candidates.

Notice of Nomination to Candidates.

VIII. If the Number of Persons nominated be the same or less than the Number of Persons to be elected for the Borough, Union, or Parish, the same shall, if duly qualified, be deemed to be elected as Members of the School Committee for the ensuing Year, and shall be certified by the Returning Officer accordingly; but if the Number of Persons so nominated exceed the Number to be elected, the said Returning Officer shall on such *Thursday* forward a Notice of the Fact of the Nomination to each Person so nominated, and if before the following *Monday* he receive from any such Person a Refusal to serve as a Member of such Committee, in Writing signed by him, he shall not proceed further in the Election as regards such Person; and if thereby the Number of Persons nominated be reduced to the requisite Number, he shall certify the same accordingly.

Delivery of Voting Papers.

IX. If within such Time no such Refusal take place, or if notwithstanding any such Refusal the Number of Persons nominated still exceed the Number to be elected, the Returning Officer shall cause Voting Papers to be prepared and filled up, and shall insert therein the Names of all the Persons nominated, in the Order in which the Nomination Papers were received, but omitting the Names of such as shall have refused to serve, and not being bound to insert more than once the Name of any Person nominated; and on the *Thursday* following the *Second Monday* of the said Month of *January* shall cause One of the Voting Papers to be delivered by a Person appointed for the Purpose at the Address within the Borough, Union, or Parish of every Ratepayer, Owner, or Proxy qualified to vote therein, and where such Person shall be unable to deliver the Voting Paper at such Address, he shall notify on the Back thereof the Fact of the Non-delivery and the Cause of the same, and deposit the Voting Paper in a Bag to be supplied to him by the Returning Officer, and shall return the same to such Officer.

Mode of filling up Voting Paper.

X. Every Voter who shall be minded to vote, on the Receipt of the Voting Paper, must, in the Interval between the Time when the Paper is delivered at his Address and the Time when it shall be called for, write his Initials against the Name or Names of the Person or Persons (not

(not exceeding the Number of Persons to be elected) for whom he intends to vote, and must sign his Name according to the Directions contained in the Paper; and every Person who votes as the Proxy of an Owner shall write his own Initials against the Names of the Candidates as above, and sign his own Name, and also state in Writing the Name of the Person of whom he is the Proxy; and no Voting Paper shall be counted as valid which shall not be signed and filled up in conformity with these Regulations.

Collection of Voting Papers.

XI. On the *Saturday* following the Delivery thereof the Returning Officer shall cause the Voting Papers to be collected by the Persons appointed to collect them, and shall supply every such Person with a Bag or Box, having an Opening for the Reception of the Voting Papers, but locked or otherwise closed, and the Person so appointed shall proceed to collect the said Papers, and shall deposit every Paper received by him in such Bag or Box, and shall return the same to the Returning Officer as soon as the Collection shall have been completed.

Casting up of the Voting Papers.

XII. On the *Third Monday* in the said Month of *January* the Returning Officer shall attend at the Place and Hour previously appointed by him for this Purpose, and shall, in the Presence of such of the Persons nominating and of the Persons nominated who may choose to attend, open the Boxes or Bags containing the Voting Papers, and ascertain the Validity of the Votes, by an Examination of the Rate Books and the Registers of Owners and Proxies, and such other Documents as he may find necessary, and by Examination of such Persons as he may see fit, and shall cast up such of the Votes as he shall find to be valid, and to have been duly given and collected or received, and ascertain the Number of Votes for every Candidate; and the Candidates, to the Number of the Persons to be elected, who, being duly qualified, shall have obtained the greatest Number of Votes, shall be deemed to be the elected Members of the School Committee, and shall be certified as such by the said Returning Officer under his Hand, who shall forthwith notify the Fact of his Election to every Candidate.

Return of elected Members.

Penalties against corrupt Practices.

XIII. The Provisions contained in the Third Section of the Act of the Fifteenth Year of Her present Majesty, Chapter One hundred and five, relating to fraudulent and corrupt Practices at Elections of Guardians, shall extend and apply to all Elections to take place under this Act; and if any Person employed to deliver or collect the Voting Papers shall, after he shall have been appointed by the Returning Officer to act, canvass directly or indirectly any Voter on behalf of any Candidate, or fill up any Voting Paper other than his own, or

advise any Voter how to fill up the same, or recommend the Name of any Candidate to a Voter, every such Person so offending shall for every such Offence be liable, upon Conviction before any Two Justices or a Stipendiary Magistrate, to be imprisoned for any Period not exceeding *Two* Months, with or without Hard Labour.

Disputed Questions of Election may be refefred to the Committee of Council.

XIV. If any Question arise as to the Validity of the Election of any Person who shall be returned as elected for any Borough, Union, or Parish, any Party aggrieved by such Return may apply to the Committee of Council on Education, and the Committee of Council may, if they see fit, entertain and determine the Question, and make such Order thereupon as they may deem proper, as well in regard to the Right of the Person so returned as of any other Person claiming to have been duly elected, and their Order shall be final and conclusive.

Term of the Continuance in Office of the Members of the School Committee.

Default of Election not to affect the acting of the Committee.

XV. Every Person elected shall continue to act during the Year for which he shall have been elected as a Member of such School Committee, until he shall resign or become disqualified to be a Member as aforesaid; and no Default in the Election, nor any Vacancy, shall prevent the other Members of the School Committee from acting as such Committee until the next annual Election, or until the Vacancy shall be sooner supplied.

Course to be pursued where there is any Defect in the Election.

XVI. If there be no due Election at the Time of the annual Election in respect of all the Members of the School Committee, such of the Members elected for the previous Year as shall be qualified as aforesaid may, if they think fit, serve for the ensuing Year; and where some only have been duly elected, such of the Members of the said Committee, who shall have served for the last Year and continue to be qualified, as shall be chosen by the Member or Members elected for the current Year to fill the Vacancies shall, if they think fit, act for the ensuing Year.

Appointment of Officers by School Committees.

XVII. The several School Committees may appoint, suspend, and remove at their Discretion such Clerk, Assistants, and Servants as they may from Time to Time find necessary, with such Salaries, Wages, and Compensation for ordinary and extraordinary Services as the said Committee shall deem fit; which Salaries, Wages, and Compensation shall be charged upon and paid out of the Fund herein-after provided; and the several School Committees may pay to the returning Officer in any Borough, Union, or Parish a reasonable Sum, not exceeding *Ten* Pounds for his Services in the Conduct of the Election, together with the Expenses incurred by him in and about the publishing the Notices of the Election, of printing, delivering, and collecting the Voting Papers, of printing the Notices to the Candidates elected, and

Provision for the Costs of the Election.

the

the Lists showing the Result of the Election, when the same shall be printed, and such Remuneration and such Expenses shall be charged in their general Account against the same Fund.

Ex-officio Members of School Committees.

XVIII. The Magistrates of any Borough, and the Justices of the Peace of the County resident in any Union or Parish in which this Act may be adopted, shall be ex-officio Members of the School Committee of the Borough, Union, or Parish in which they may respectively reside, and shall have and exercise all the Powers and Privileges given by this Act to any elected Member of a School Committee; and all Acts authorized to be done by any School Committee may be done by the major Part of such Members of the Committee as may be present at any Meeting of such Committee, the whole Number present not being less than *Five*.

Quorum.

School Committee may make Bye-laws.

XIX. The School Committee so appointed may from Time to Time make Byelaws and Regulations for the Government of their Proceedings, and for the due Execution of the different Provisions of this Act, so far as the same shall be under the Control or Management of such Committee: Provided that no such Byelaw or Regulation shall be valid and operative until the same shall have been submitted to the Committee of Council on Education, and shall have been approved by such last-mentioned Committee, such Approval to be certified under the Hand of their Secretary; and any such Byelaw or Regulation may be from Time to Time repealed or altered by such School Committee, with such Approval as aforesaid.

Proviso for Approval by Committee of Council.

Union of Schools with the Committees.

Trustees, Managers, or Proprietors empowered to place School in union.

XX. As soon as any School Committee shall have been appointed, and from Time to Time afterwards, *the major Part* of the Trustees, Managers, or Proprietors of any School situated within the Borough, Union, or Parish may make Application in Writing to the said School Committee to be admitted into union therewith; and such Committee shall forthwith upon Receipt of such Application ascertain whether the School be admissible into union according to the Provisions of this Act, and if the same be so admissible, shall admit such School into union with them, and shall cause an Entry of such Admission to be made in the Minutes of their Proceedings, and a Notification of such Admission, in Writing, to be transmitted to the Trustees, Managers, or Proprietors of the School, as the Case may be; and when the School shall have been admitted into union, whether by the said School Committee at once, or after Appeal, as herein-after provided, such Union shall be deemed to have been complete from the Date on which the Trustees, Managers, or Proprietors of such School shall have duly transmitted the required Certificate to the School Committee; and if the said School Committee shall be of opinion that

the said School is not so admissible, they shall forthwith communicate to the Persons making the Application that they decline to admit the said School into union, and shall state their Reasons for such Refusal in Writing.

No School to be united without Consent of Majority of Trustees. School Committee may act upon the Application purporting to be signed by Majority.

XXI. No School shall be admitted into union without the Consent of *the major Part* of the Trustees, Managers, or Proprietors, as the Case may be, of such School; but it shall be sufficient Authority for a School Committee, with reference to any Act done by them or by their Direction in regard to such School, if the Application to them purport to be signed by *the major Part* of the Trustees, Managers, or Proprietors; and it shall not be necessary for such Committee to inquire whether the Persons whose Names are thereunto affixed be duly and legally qualified to act in such Behalf: Provided nevertheless, that the said Committee shall reject any such Application where they shall be satisfied that it is not made by *a Majority* of the Persons so legally qualified: Provided also, that if it shall be proved to the Satisfaction of a School Committee, at any Time after a School shall have been admitted into union, that the Application on behalf of such School had been made under false and wilful Misrepresentations, or with the wilful Suppression of any Fact or Circumstance, to such an Extent that such School would not have been admitted into union but for such Misrepresentations or Suppression, such School Committee may make an Entry on their Minutes that such School is no longer in union, and shall forthwith cause a Notification thereof in Writing to be transmitted to the Trustees, Managers, or Proprietors of such School, as the Case may be, and such School shall thereupon cease to be entitled to the Benefits of this Act, unless and until, upon a fresh Application, it shall be duly admitted into union.

Proviso.

Appeal from Refusal of Admission to the Committee of Council on Education.

XXII. Whenever a School Committee shall decline, upon any such Application as aforesaid, to admit any School into union, the Persons who shall have made such Application may appeal to the Committee of Council on Education against such Decision, forwarding a Copy of the Reasons assigned by such School Committee for their so declining; and the said Committee of Council shall thereupon investigate the Merits of the Case; and if they shall decide that the Refusal was justified by the Provisions of this Act the same shall be confirmed; but if they shall decide that it was not so justified, and that the said School should have been admitted into such Union, they shall communicate such their Decision to the School Committee, and thereupon the said School shall be forthwith admitted into union, and shall become entitled to all the Advantages of this Act, as if the same had been admitted by the School Committee at the Time of the Application: Provided always, that no Refusal to admit any School into union,

union, whether confirmed by the said Committee of Council or otherwise, shall prevent the Admission thereof into union, if an Application be duly made on behalf of the same School at any Time after such Refusal, and the School shall, upon such subsequent Application, be admissible according to the Provisions of this Act.

Proviso that any unsuccessful Application may be renewed.

XXIII. No Act of the Trustees or Managers of any School, or the major Part of them, in placing it in union with the said Committee, shall be deemed in any Court of Law or Equity to be a Breach of Trust, or require the Sanction or Direction of any such Court.

Proceedings of Trustees not to be impeachable in Law or Equity.

Proceedings after Union.

A Register of the Scholars to be kept.

XXIV. When any School shall be admitted into union, a Register, showing the Attendance or Absence of each Scholar, shall be kept by the Trustees, Managers, or Proprietors of the said School, or by the Teacher thereof; and a Copy of such Register shall be transmitted to the School Committee, at such Periods as the said Committee shall from Time to Time appoint; and if the School be not a School for Children under the Age of *Six* Years, a Certificate in Writing, signed by the Teacher, or, if there be more than One, by the principal Teacher, of the said School, and countersigned by an Inspector who shall have inspected the said School, shall be sent by the Trustees, Managers, or Proprietors, as the Case may be, or by the Teacher under their Direction, to the said School Committee, *once* every Year, at such Time as they shall appoint, certifying that the Conditions of Union have been duly complied with, and that the general Instruction of the Children thereat includes Reading, Writing, Arithmetic, English Grammar, English History, and the Elements of Geography; and in the Case of a Girls School, plain Needlework.

No Interference with the Management, Discipline, or Instruction of the School.

No Child to be required to learn distinctive Religious Creeds, &c. to which the Parent may object in Writing.

Attendance at Sunday School of Scholars not compulsory.

XXV. No School Committee (except as in this Act is excepted) shall interfere with the Management, Discipline, Religious or other Instruction in any existing School admitted into union, but the same in every such School shall continue under the Control and Regulation of the Trustees, Managers, or Proprietors thereof, as fully as if this Act had not passed: Provided nevertheless, that no Child attending any such School so admitted into union as aforesaid shall be required by the Trustees, Managers, Proprietors, or Teachers thereof to learn therein or elsewhere any distinctive Religious Creed, Catechism, or Formulary to which the Parents or surviving Parent, or the Person having the Care and Maintenance of such Child, shall in some Writing signed by him or her, or with his or her Mark attested by a Witness, addressed to the Managers, Trustees, Proprietors, or Teachers thereof, object; or to attend or to abstain from attending any particular Sunday School or Place of Religious Worship; and no Child shall be refused Admission to any such School on account of his or her Religious

Creed, or the Religious Creed of his or her Parents, or surviving Parent, or on account of any such Objection as aforesaid.

The Conditions imposed by this Act to be performed to enable School to receive the Benefits of this Act.

Union to be dissolved on Breach of Conditions.

XXVI. In any School admitted into union, if any Condition of Admittance into union in this Act specified, or any Regulation herein prescribed for the Guidance of the same, be broken or disregarded by the Trustees, Managers, or Proprietors thereof, as the Case may be, the School Committee may declare the Union of such School with them to be dissolved; but the same shall not be dissolved until *Six* Months after the said Committee shall have transmitted a Notice in Writing of the proposed Dissolution to the Trustees, Managers, or Proprietors thereof, as the Case may be; and when the said Union shall be dissolved, the said School shall cease to be entitled to any of the Benefits of this Act from the Time of such Notice being given as aforesaid.

Appeal against Dissolution.

XXVII. The Trustees, Managers, or Proprietors, as the Case may be, of any School, the Union of which shall have been so dissolved, may, within *Three* Months after receiving such Notice of Dissolution, make an Appeal in Writing, purporting to be signed by the major Part of the Trustees, Managers, or Proprietors assembled at a Meeting called for the Purpose of considering such Appeal, to the Committee of Council, against the Decision of the School Committee; and the said Committee of Council may, if they so think proper, receive such Appeal and investigate the same, and confirm or reverse such Decision of such School Committee, according as the Merits of the Case may require; and if they shall decide that the Union ought not, under the Provisions of this Act, to have been dissolved, such School shall be deemed to have continued in union, notwithstanding the said Decision of the School Committee; and if they confirm the Decision of the said Committee, the Dissolution shall continue.

Registering Committees.

Appointment of Registering Committee.

XXVIII. Every School Committee shall, at their First Meeting after every annual Election, select out of themselves *Four* Members; and such *Four* selected Members shall form a Committee for the Registration of Scholars, to be termed the Registering Committee, any *Three* of whom shall form a Quorum, whose Duty it shall be to meet from Time to Time, at least *once* in every Month, in some convenient Place, (of which public Notice, by an Advertisement in some Newspaper circulating within the District, shall have been previously given,) and to keep Registers of the Schools in union with the said Committee within their District, and of the Scholars thereat, and to receive and decide upon any Application, which shall be made according to any Form to be prescribed by the School Committee, of any Child being above the Age of *Four* Years, and residing within the District,

District, or of its Parent or Parents, or other Person having the Care and Maintenance thereof, for the Reception of such Child into some School in the said District; and the said Registering Committee shall enter the Name of such Child in the Register kept by them, with reference to the School selected by such Child, Parent, or other Person; provided, that the said Registering Committee shall not require the Reception into any School of a Child deaf, dumb, blind, idiotic, or of unsound Mind. Proviso.

XXIX. Any such Registering Committee may direct the Trustees Managers, or Proprietors of the School selected by any Applicant to receive any such Child so registered as aforesaid into such School, and may make an Order on the School Committee for the Payment of the Cost of educating such Child therein; and the Trustees, Managers, or Proprietors of any School so directed to receive a Child shall receive such Child accordingly, and cause the same to be instructed as a Scholar of such School; provided, that their School be at the Time capable of receiving the Child after allowing a Space of not less than *Six* Square Feet to each Scholar then being therein; provided also, that the Trustees, Managers, or Proprietors may dismiss from the said School any Child so sent as aforesaid who shall not attend at the same School during such Period as, according to the usual School Hours in the District, would constitute *Three Days and a Half Day* in each Week, or who shall be affected with any Sickness or Disease calculated to cause Injury to the other Scholars in the said School, or whom they shall deem guilty of any Insubordination or other Misconduct calculated to interfere with the Discipline of the School; and the said Trustees, Managers, or Proprietors shall not be compelled to readmit the same Child into their School, unless in the Case of a Child previously affected with any Sickness or Disease as aforesaid who shall be wholly cured.

Registering Committees may send Children to the Schools.

Trustees to receive the Child;

provided they have Room.

Proviso for Dismissal of Scholars for Misconduct.

XXX. Any Registering Committee may at any Time, upon Application in Writing, according to a Form to be prescribed by the School Committee, from the Child or its Parent or Parents, or other Person as aforesaid, and after the Lapse of *One Month* from the Date of such Application, or within that Period, upon satisfactory Cause being shown to them, remove the Name of such Child from their Register of any School to their Register of any other School within their District, and may direct the Trustees, Managers, or Proprietors thereof to receive such Child, who shall, subject to the same Conditions as in the Case of an original Application, be received accordingly.

Registering Committees may change the School.

XXXI. The School Committees shall cause every School admitted to the Benefits of this Act to be inspected, *once* at the least in every Year, by some Inspector duly authorized by Order of Her Majesty in

Inspection.

Schools to be inspected every year.

Report.

in Council or by Minutes or Regulations of the Committee of Council on Education; and every such Inspector shall transmit to the School Committee, *once* at the least in every Year, a Report upon every School in union with such School Committee which he has inspected, and upon every Teacher or Pupil-teacher employed in such School whom he may have examined.

Payments for Education.

List of Scholars to be made out by Trustees or Managers quarterly, and transmitted to School Committee;

with Certificate.

XXXII. At the End of every Quarter of the Year, ending on the Twenty-fifth Day of March, Twenty-fourth Day of June, Twenty-ninth Day of September, and the Twenty-fifth Day of December, the *major Part* of the Trustees, Managers, or Proprietors, as the Case may be, of every School in union with a School Committee, shall make out a List of the Scholars entered in the Register kept in their School, and set out the Number of Weeks during the Quarter last completed in which each such Scholar shall have attended the said School, distinguishing between Boys above and under *Six* Years of Age, and Girls, and forward such List to the said School Committee, accompanied by a Certificate of the due Observance of the Conditions upon which such School shall have been admitted into union with the said Committee, and shall also forward to the said Committee an audited Account of the Receipts and Disbursements in respect of the said School during the same Quarter of the Year.

School Committees to make Payments at not exceeding a specified Rate.

XXXIII. Every School Committee, upon receipt of such List, accompanied by such Certificate and audited Account as last aforesaid, shall cause the same to be accurately investigated; and forthwith, if the same shall be found to be correct, or if incorrect, then after the Error shall have been corrected, shall cause Payment to be made to the Managers, Trustees, or Proprietors of the said School, as the Case may be, of such Sum as may be necessary for the Expenses of the School over and above the Receipts by such Managers, Trustees, or Proprietors on account thereof: Provided always, that such Sum shall in no Case exceed the Sum which would be payable at the Rate following; that is to say, the Sum of *Fivepence* for every Boy above the Age of *Six* Years, in respect of his Attendance in each Week at the said School, from the Date of its Admission into union until the End of the Quarter as aforesaid, and thenceforth during each current Quarter, and the Sum of *Fourpence* for every Boy under the Age of *Six* Years, and for every Girl, in respect of each Week as aforesaid:

Proviso.

Provided also, that no Payment shall be made to the Managers, Trustees, or Proprietors of any School in which any paid Teacher shall be engaged during the ordinary School Hours in teaching any other Children in the same School than such as shall receive Education under the Provisions of this Act, or by means of some charitable Contribution or Endowment.

XXXIV. The

Computation of a Child's Time of Attendance.

XXXIV. The Attendance of a Child at the School for *Three Days and a Half Day* in the Daytime, computed as above, during the School Hours, between Sunday and the following Sunday, but exclusive of both those Days, shall be counted as an Attendance for a Week in every Day School; provided, that in case a Child should be unable to attend in any One Week *Three Days and a Half Day*, computed as above, but shall attend for a greater Period during any succeeding Week, such additional Attendance shall be calculated so as to entitle the Managers of the said School to Payment from the School Committee on account of such Child in respect of every Week in some Day of which there shall have been an Attendance, provided the Attendance during the Four consecutive Weeks computed together shall be equal to *Fourteen* complete Days.

Assistance to Evening Schools.

XXXV. Every School Committee may from Time to Time, in accordance with Regulations to be duly made by them and approved of by the Committee of Council, grant such Sums as they may deem requisite towards the opening, and, for such Period as they shall determine, towards the Support of an Evening School to be conducted in any School admitted into union with them: Provided always, that the State of the Funds raised under the Provisions of this Act, after due Allowance shall have been made for all previously existing Charges thereon and Liabilities then incurred, will enable them so to do.

Application of the Payments.

XXXVI. The Managers, Trustees, or Proprietors to whom any Sums of Money shall be paid, under the Provisions herein-before contained, shall be at liberty to apply the same or any Part thereof in manner next herein-after mentioned; that is to say, not exceeding *One Sixth* Part of the Amount received by them in such Quarter in Payment of, for, or towards the Purchase of Books and Stationery to be used by the Children in the Schoolrooms, and for or towards the Cleaning and Warming of the Schoolrooms, and the Insurance from Fire of the School Buildings and the Furniture and Apparatus therein, and for or towards the keeping of the Schoolrooms, Furniture, and Apparatus in good Condition, or for or towards all or any of such Purposes, and the Residue of such Sums of Money in Payment of the Teacher or Teachers of the Schools.

Number and Qualification of Teachers to be employed in Schools.

XXXVII. Where the average Number of Children attending in any School admitted into union shall be reported by the Inspector thereof for the Time being as amounting to *One hundred and sixty* or upwards, there shall, for every entire Number of *Eighty* Scholars, be employed in such School, independently of any apprenticed Pupil-teacher or stipendiary Monitor, One Teacher at least who shall have

obtained a Government Certificate of Merit, or a Certificate of Competency, from some One of Her Majesty's Inspectors, or from some local Inspector acting within the District.

Augmentation of Teacher's Salary.

XXXVIII. And for the Purpose of enabling the Teachers in any School admitted into union under this Act to receive an Augmentation of Salary under the existing Minutes of the Committee of Council on Education, requiring a certain Proportion of every such Teacher's Salary to be raised by voluntary Contributions, the Amount paid to any Teacher of a School out of the Rates to be raised under this Act shall be deemed and taken to be in lieu of and equivalent to an equal Amount raised by voluntary Contributions for or towards the Salary of the Teacher or Teachers of such School.

Extension of Schools, Repairs of existing Schools.

Repairs of Schools in union may be aided.

XXXIX. If the Trustees, Managers, or Proprietors of any School admitted into union shall make Application in Writing to the School Committee with which it is in union for Aid towards the necessary Repair of the Schoolroom, or the Buildings and the Appurtenances belonging to the School, and shall set forth that without such Aid the necessary Repair cannot be effected, and if such Application be countersigned by One of the Inspectors who shall have inspected the said School, testifying to the Necessity of such Repair, the said Committee may either advance the Amount to the said Trustees, Managers, or Proprietors, or may cause the requisite Repairs to be done under their own Direction and Superintendance; and all such Money so expended in the Repair of any such School shall be charged upon the Fund herein authorized to be raised.

Sunday School-rooms may be rendered applicable to permanent Day Schools.

XL. For the Purpose of increasing the Amount of School Accommodation, it shall be lawful for the Trustees, Managers, or Proprietors of any Schoolrooms or other Buildings used on Sundays or occasionally only for the Purposes of Education to apply in Writing under the Hands of the major Part of them to the School Committee for Aid to enable them to open such Rooms or Buildings as Schools on other Days in the Week; and such School Committee may thereupon, if they deem fit, grant such Aid; and when the same shall have been so granted, and the said Premises shall be opened as a permanent Day School, such Day School shall forthwith become in union with the said Committee, subject to the several Conditions, Regulations, and Qualifications herein prescribed with reference to Schools to be admitted into union: Provided that nothing herein contained shall in any respect further interfere with the Management of the said School, or with the Sunday School previously held therein, or confer any additional Advantage thereon.

Proviso.

XLI. Every

New Schools.

Establishment of new Schools.

XLI. Every School Committee shall from Time to Time examine the Borough, Union, or Parish with reference to the Amount of School Accommodation therein, and ascertain how far it is sufficient; and when they shall be of opinion that in any Part of the said Borough, Union, or Parish there is no School which is readily accessible to the Inhabitants dwelling in such Part, or that there is not a Sufficiency of School Room available to them therein, they shall cause a Report to be drawn up, setting forth the Amount of the Population within the particular District to which the Report applies, a List and Description of the several Schools in or near thereto, and the Amount of the additional School Accommodation which may appear to be requisite, and shall cause a Copy or Abstract of such Report to be advertised *Three* Times at the least in the course of One Month in such Newspaper or Newspapers circulating within the said Borough, Union, or Parish as they may think proper.

Committee may provide new Schools, under certain Regulations.

XLII. If within the Space of *Sixty* Days from the latest Day when such Report shall be so advertised the said Borough, Union, or Parish School Committee shall receive a Notice in Writing, specifying the Intention of the Persons mentioned in such Notice to procure the Erection or Establishment within *Six* Months from the Date of such Notice of such School as shall be required, and as would be admissible into union under the Provisions of this Act, and of their Intention to apply for its Admission into union, then the said Committee shall not take any Step for the providing of any such additional School pending the Term of *Six* Months; but if at the End of such Term of *Sixty* Days no such Notice shall have been received, or if at the End of *Six* Months after such Notice the School shall not have been erected or established, or shall not be in the course of Erection or Establishment, the said Committee shall procure the additional Accommodation which such Committee shall deem necessary, and shall give Notice by an Advertisement in such Newspapers circulating within the said District as they may think proper of their Intention so to do.

School Committee may procure and hold Sites and fit up Schools, under certain Conditions.

XLIII. Any School Committee may, after such last-mentioned Notice, with all convenient Speed, procure a Site for a new School, or a Building to be converted to such Purpose, within the Part of the District to which the Report aforesaid shall apply, and may erect upon such Site, or adapt and fit up (as the Case may be) Premises for a School for the said Part of the District, which Site or Building shall be conveyed to and vested in the said School Committee; and every such Committee shall, for the Purpose of holding the legal Estate in any such Property, be and remain a Body Corporate by the Name of "The [illegible] School Committee," and with reference thereto shall have all the Rights, Powers, and Incidents, and shall be

liable to all the Obligations, Duties, and Responsibilities which by Law belong to or attach upon all Corporations; provided, that no Enrolment in Chancery of the Conveyance of such Property shall be requisite; and provided also, that "The Lands Clauses Consolidation Act, 1845," except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, shall, in as far as the same shall be consistent with this Act, be incorporated herewith.

Proviso—Enrolment in Chancery not requisite.

Proviso—For the Lands Clauses Consolidation Act.

Such new Schools to be free Schools.

XLIV. Every such new School shall be a free School, and shall be open to the Reception of such Scholars as shall be registered in the Manner herein-before mentioned, who shall be taught therein free of all Charge; provided, that nothing in this Act contained shall prevent the Distribution of any Part of the Grant made by Parliament for the Promotion of Education to any such free School, or to any School admitted into union with the said Committee under the Provisions of this Act, or to any Scholar, Pupil, or Teacher therein.

How Cost to be provided.

Sanction of the Committee of Council required.

XLV. The Cost of providing such new School, and of the furnishing and fitting up thereof, shall be charged upon the Fund herein authorized to be raised; provided nevertheless, that no Land shall be purchased for such School, nor shall any School be so erected or provided, without the Sanction of the Committee of Council on Education, expressed by a Resolution to be passed by them, and until a Copy thereof be transmitted to the School Committee; and no such School erected without the Addition of *Two* separate Rooms or Class Rooms at least to be connected with each Schoolroom intended for the Instruction of Boys or Girls, or with Rooms whose Dimensions shall not have been determined by the Committee of Council, shall be deemed to be within this Provision until such Additions or Alterations shall have been made as shall be satisfactory to such last-mentioned Committee.

Committee of Management of the new School to be elected by the School Committee.

Qualification.

XLVI. Every School so provided shall, subject to such Control as herein-after mentioned, be managed by a Committee of Management, consisting of *Nine* Persons, to be elected by the said School Committee as Managers of such School out of the Persons who shall be assessed to the Poor Rate within the Borough, Union, or Parish, upon Property whose rateable Value is not under *Twenty* Pounds a Year: Provided always, that in the Case of any School connected with the Church of England *Two Thirds or Six* of the Number of the Managers to be so elected shall be Members of the Church of England, and in the Case of any School connected with any other Religious Denomination, *Two Thirds or Six* of the Number of Managers to be

so

so elected shall be Members of that Denomination with which any such School shall be connected.

XLVII. At the End of the First Year after the First Election of such Managers, *Three*, or if there be any Vacancies, such a Number only as may be requisite to make up with the Vacancies the Number of *Three* Managers, to be determined among themselves, shall then go out of Office; and at the End of the Second Year *Three* of the remaining Number of the Managers originally elected, to be determined in like Manner, shall go out of Office; and at the End of the Third Year the Remainder of the Persons originally elected shall go out of Office; and their Places shall in each instance be supplied by the School Committee, who shall elect the same Number of Persons to supply the Vacancies; and thenceforward a *Third* Part of the Managers (those who shall have been longest in Office being selected) shall retire at the End of every subsequent Year, and their Places shall be supplied in like Manner; provided, that when any Vacancy shall occur in the Committee of Management by Death, Resignation, or Disqualification, such Vacancy may be filled up either on the Occasion of the Vacancy or at the Time of the annual Election; and provided also, that no Default of Election or Vacancy shall prevent the remaining Members of the Committee of Management from acting as fully as though their Number were complete, until a valid Election take place or the Vacancy be supplied.

Committee of Management, how to be renewed.

Proviso for occasional Vacancies.

Provision for Default of Election.

XLVIII. Every Committee of Management shall, at their Meeting after each annual Election, choose some One of themselves to be a Chairman for the ensuing Year, and, in the Case of any Vacancy in the Office of Chairman during the Year, elect another to fill the Office for the Residue of the Year, which Chairman, or some other Member, presiding at any Meeting, shall, in all Questions where there shall be an Equality of Votes of the Members voting thereon, have a Second as a Casting Vote.

Committee of Management to choose a Chairman.

Casting Vote.

XLIX. Subject to any general Regulations from Time to Time issued by the School Committee, the Committee of Management shall have the entire Control and Superintendence of such School, shall elect or remove the Teacher or Teachers thereof, shall determine the Hours of Attendance at School, the Books to be read, and the Course of Instruction and Discipline to be observed therein, and all other Matters appertaining thereto, except as is herein-before provided: Provided always, that in the Case of any Question arising respecting the Appointment or Non-appointment, or the Dismissal or Non-dismissal of any Teacher or Teachers of such School, any Party aggrieved may apply to the Committee of Council on Education, and

Committee of Management to make Regulations for new School, subject to Control of School Committee.

Appeal to Committee of Council.

such Committee of Council may, if they see fit, entertain and determine the Question and make such Order thereupon as they may deem proper, and their Order shall be final and conclusive.

In certain Cases the Religious Denomination of new School shall be determined by Committee of Council.

L. In any District in any Borough, Union, or Parish in which any such new School is to be provided, if it shall appear to the School Committee or the Majority of them that the major Part of the Population resident therein belong to and are Members of some Religious Denomination other than the Established Church, such School Committee shall represent such Fact to the Committee of Council on Education, and the Committee of Council on Education shall thereupon determine the Religious Denomination with which the School in such District shall be connected, and the Teachers of such School shall in every such Case be selected from amongst Members of such Religious Denomination; and in Cases where no such Representation shall be made by a School Committee, any new School shall, for the Purposes of this Act, be a School in connexion with the Church of England, and the Teachers shall be selected from the Members of such Church: Provided always, that no Child attending any new School, with whatsoever Church or Religious Denomination such School may be connected, shall be required by the Managers or Teachers thereof to learn any distinctive Religious Creed, Catechism, or Formulary to which the Parents or surviving Parent, or the Person having the Care or Maintenance of such Child, shall in some Writing signed by him, her, or with his or her Mark attested by a Witness, addressed to the Managers or Teachers thereof, object; nor shall any Child be required to attend or abstain from attending any particular Sunday School or Place of Religious Worship; nor shall any Child be refused Admission to any School on account of his or her Religious Creed, or the Religious Creed of his or her Parents or surviving Parent, or on account of their Objection to any particular Religious Teaching, or to such Child's Attendance or Non-attendance at any Sunday School or particular Place of Worship as aforesaid.

Proviso.

New Schools to be in union with School Committee.

LI. Every such School shall be in union with the School Committee for all the Purposes of this Act, subject to all the Conditions, Regulations, and Qualifications provided in respect of Schools in union with such Committees; and the Managers of every such School shall receive all Subscriptions and Payments appropriated thereto, and shall out of them pay and disburse the Charges and Expenses of and incidental to the said School, and shall keep the School Buildings and its Furniture in good Repair, Order, and Condition, and the requisite Books and Apparatus adequately supplied, in the same Manner and subject to the same Regulations as herein-before provided.

LII. Upon

School Committee may guarantee Teachers Salaries, and supply the Managers with Funds.

LII. Upon the Recommendation of any School Committee, the Committee of Management shall receive out of the Fund herein authorized to be raised such Amount, and for such a Length of Time not exceeding *One Year* in the whole, as the said School Committee shall think proper, towards the Salaries of the Teachers of the School thus provided, and towards any Charges necessarily incurred in the Maintenance of the said School, over and above the School Fees payable under the Authority of this Act and other Receipts.

School Committee may sell or let any School becoming unnecessary, or may exchange it for other Premises.

LIII. If any School thus provided should wholly cease to be required, or any Portion of the Premises belonging thereto should be either permanently or for a Time unnecessary for the Purposes of the School, the School Committee may, with the Consent of the Committee of Council, sell or let the same, and apply the Purchase Money or the Rents arising from the letting thereof in aid of the Fund raised under the Authority of this Act, and the said Committee may at any Time, upon like Application and with the like Consent, exchange the School, or any Part of the Premises belonging thereto, for other Premises to be held for the same Purposes, and may give or receive any requisite Sum of Money for Equality of Exchange.

Information as to Pauper Children.

Clerks to Guardians to send Lists of Poor Children not receiving Education.

LIV. And for the Purpose of extending the Benefits of Education among the Poor, the Clerks to the Boards of Guardians authorized to administer Relief to the Poor shall at the End of each *Quarter of a Year* report in Writing to the School Committees the Names and Places of Abode of such Poor Children between the Ages of *Four* and *Twelve* Years resident within their several Unions or Parishes who are not attending any School, and who themselves or whose Parents or Guardians are in the Receipt of Out-door Relief; and the Guardians of any Union or Parish may require such Child to attend some School, subject to such Rules and Regulations as the Poor Law Board shall issue in the Matter; and the School Committee shall have Power to pay the Cost or any Part of the Cost of such Child's Attendance at School and of its Education thereat.

Appeal.

Clause of Appeal.

LV. And where any Person shall be aggrieved in respect of any Matter herein contained, for which no Remedy is otherwise provided by this Act, such Person may appeal to the Quarter Sessions of the City, Borough, or County, as the Case may be, wherein the Matter of such Grievance shall arise; and such Appeal shall be therein heard and determined by the said Court, with the like Incidents and Consequences and the like Liability of the respective Parties to such Appeal to the Payment of Costs as in the Case of Appeals against Poor Rates; provided, that the Appellant shall give to the Respondent Notice in Writing of the Matter complained of such Time before the

Hearing of the Appeal as is required by the Practice of the Sessions in respect of Notice of Trial before the Hearing of Appeals thereat.

Expenses.

Monies voted for School Purposes under this Act to be paid in Moieties from Local Fund and Parliamentary Fund.

LVI. In the Case of every Sum of Money voted or applied by any School Committee under this Act for the Support, Assistance, or Erection of any School, with the Approbation and Approval of the Committee of Council on Education, such Sum of Money shall be considered and taken to be divided into *Two equal* Shares or Proportions, and *One* such Share and Proportion shall be paid out of the Sum applicable to the Purposes of Education within the Borough, Union, or Parish, and raised or to be raised as is herein-after provided within such Borough, Union, or Parish, and the *other* such equal Share or Proportion shall be paid out of the Funds placed by Parliament at the Disposal of the Committee of Council on Education; and the said Committee of Council on Education shall, in such Manner as they may deem most convenient, and they are hereby empowered to transfer to the Account of the School Committee of any Borough, Union, or Parish *the Moiety* or equal Share or Proportion of any Grant made by such School Committee as the Committee of Council may have approved: Provided always, that nothing in this Act contained shall be construed or taken to prevent the Committee of Council on Education from making any Grant out of the Funds placed by Parliament at their Disposal, independently of any Recommendation of any School Committee, and upon such Conditions, to such Amount, and for such Purposes and Objects as to the said Committee of Council shall seem fit.

Charges under this Act to be defrayed out of Borough Fund or Poor Rate, after a Rate not exceeding 6*d.* in the Pound per Annum.

LVII. And for the Purposes of providing for the Charges and Expenses which will arise under this Act, it is hereby enacted, That the Expenditure to be incurred under this Act in any Borough, Union, or Parish shall be chargeable upon and paid out of the Borough Fund raised in any Borough, or out of the Rates raised for the Relief of the Poor in any Union or Parish not in union in which this Act may be adopted by the Ratepayers; and the Council of any such Borough or the Board of Guardians or Overseers of any such Union or Parish may and they are hereby empowered to levy with and as Part of the Borough, Union, or Parochial Rate, or by a separate Rate, to be assessed, levied, paid, and recovered in like Manner and with the like Powers and Remedies in all respects as the said Borough, Union, or Parochial Rate, such Sums of Money as shall be from Time to Time necessary for defraying such Expenditure, and shall apply the same to such Purposes and for such Objects as are herein-before provided: Provided always, that no greater Amount shall be expended by virtue of this Act in any Borough, Union, or Parish than after the Rate of *Sixpence* in the Pound of the annual Value of the Property rateable

or

or which might be rateable to a Rate in such Borough, Union, or Parish.

School Committee may borrow Money on Security of Rate.

LVIII. Provided always, That it shall be lawful for any School Committee, or the major Part of them, from Time to Time to borrow and take up on Mortgage of the Rates applicable under this Act to the Purposes of Education in any Borough, Union, or Parish all or any of the Monies required for paying and defraying any such Costs and Expenses; and such Money may be raised at any Rate of Interest not exceeding *Five* Pounds per Centum per Annum; and every such Mortgage may be made by an Instrument executed by the Chairman or by any *Two* or more Members of any School Committee, which Instrument shall be effectual for securing to the Person advancing the Sum of Money in such Mortgage expressed to be advanced, his Executors, Administrators, and Assigns, the Repayment thereof with Interest for the same after such Rate, and at such Time, and in such Manner as in such Mortgage is provided; and it shall be lawful for any School Committee to make Application for any Advance of any Sum necessary for the Purposes in this Act provided to the Commission acting in the Execution of an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to authorize for a further Period the Advance of Money out "of the Consolidated Fund to a limited Amount for carrying on Public "Works and Fisheries, and Employment of the Poor," and any Acts amending or continuing the same; and the said Commissioners are hereby authorized and empowered, if they think fit, to make such Advance upon the Security of such Mortgage as aforesaid.

School Committees to certify the Amounts required for Payment.

LIX. Every School Committee shall certify the Expenditure which they shall from Time to Time have incurred in carrying into effect the Provisions of this Act to the Council in any Borough Town, or to the Board of Guardians in Unions or Parishes not incorporated, for Payment of the same by such Council or Board of Guardians, as the Case may be, and the said Council or Board of Guardians shall charge the same to the School Account, and make Orders for the Payment of the same to the said School Committee, who shall deliver such Orders to the Persons to whom the Payments shall be due; and the said School Committee shall keep accurate Accounts in proper Ledgers of the Sums of Money from Time to Time so paid, and of all their pecuniary Transactions, under proper Heads, and shall cause the Accounts to be audited once in every Year.

Ledgers open to the Inspection of the Ratepayers.

LX. Every such Ledger shall be open to the Inspection of any Ratepayer between the Hours of *Ten* in the Forenoon and *Two* o'Clock in the Afternoon; and every Person assessed to any Rate made

made for such Borough, Union, or Parish shall have the like Authority to inspect the same and demand or take Copies thereof as any Person assessed to the Poor Rate now by Law possesses in respect of such Rate.

Interpretation Clause.

LXI. In this Act the Words and Expressions following shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

"Borough:" "Borough" shall mean every Borough, Town, and City Corporate having a Quarter Sessions, Recorder, and Clerk of the Peace:

"Union:" "Union" shall mean a Union of Parishes formed under the Act of the Fifth Year of King William the Fourth, intituled "An Act "for the Amendment and better Administration of the Laws "relating to the Relief of the Poor in England and Wales," or under the Act of the Twenty-second Year of King George the Third, intituled "An Act for the better Relief and Em- "ployment of the Poor," or incorporated and united for the Relief and Maintenance of the Poor under any Local Act:

"Parish:" "Parish" shall mean any Parish, Township, Vill, Tithing, Extra-parochial Place, or Place maintaining its own Poor:

"Trustee:" "Trustee" shall signify any Person in whom is vested, by Deed or other legal Instrument, the Management of any School, whether he do or do not also hold the legal Estate thereof:

"Manager:" "Manager" shall signify the Person who in like Manner has actually the Management of any School, whether duly appointed to such Management or not, and though the legal Estate of the School may be in some other Person or Persons:

"Proprietor:" "Proprietor" shall signify every Person who shall at his own Charge have erected, fitted up, or procured any School, or shall support and maintain the same solely or jointly with others, or shall be reputed to be the Owner thereof:

"Committee of Council on Education:" "Committee of Council on Education" shall mean the Lords of the Committee of Council on Education, or other Persons or Minister for the Time being appointed to superintend the Application of any Sums voted by Parliament for the Purpose of promoting Public Education:

"Her Majesty's Inspector." "Her Majesty's Inspector" shall mean an Inspector of Schools appointed by Her Majesty or Her Successors to visit Schools aided by Public Money.

Provision for Cases of Boroughs forming Parts of Unions.

LXII. And whereas certain Parochial Unions in England and Wales are composed partly of Parishes situate within a Municipal Town and partly of Parishes situate without the Boundaries of such Municipal Town: Be it enacted, That for the Purposes of this Act, the

the Parishes without the Boundaries of a Municipal Town forming Part of a Union of Parishes, together with Parishes within the Boundaries of a Municipal Town, shall be deemed and taken to be a "Union" of themselves; and for the like Purposes, all Parishes so in Union which may be included within the Boundary of a Municipal Town shall be deemed and taken to form Part of the "Borough" within which the same are situate.

LXIII. In citing this Act in other Acts of Parliament and in legal Instruments, it shall be sufficient to use the Expression "Education Act, 1855." Short Title.

Education.

(No. 2.)

A

BILL

For the better Encouragement and Promotion of Education in England.

(*Prepared and brought in by Sir John Pakington, Sir Edward Bulwer Lytton, and Mr. Adderley.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1855.

[Bill 59.]

Under 3 oz.

28 *March* 1855. 18 VICT.

(Scotland.)

A

BILL

TO

Provide for the Education of the People in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS an Act was passed by the Parliament of Scotland in the Sixth Session of the First Parliament of King William in the Year One thousand six hundred and ninety-six, intituled "Act for settling of Schools;" and another Act was passed by the Parliament of Great Britain in the Forty-third Year of the Reign of His Majesty King George the Third, intituled "An Act for making better Provision for the Parochial School-masters, and for making further Regulations for the better Government of the Parish Schools, in Scotland;" and another Act was passed in the First and Second Year of the Reign of Her present Majesty, intituled "An Act to facilitate the Foundation and Endowment of additional Schools in Scotland:" And whereas some of the Provisions of the recited Acts are unsuited to the present Condition of the Community of Scotland: And whereas Instruction in the Principles of Religious Knowledge, and the Reading of the Holy Scriptures, as heretofore in use in the Parochial and other Schools in that Country, is consonant to the Opinions and Religious Profession of the great Body of the People, while at the same Time ordinary Secular Instruction has been and should be available to Children of all Denominations: And whereas the Means of Education

Preamble.

1696, c. 26.

43 G. 3. c. 54.

1 & 2 Vict c. 87.

in Scotland fall far short of what is required by the Circumstances and increased Population of that Country, and the present System of Superintendence and Management of the Parochial Schools ought to be altered and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Board of Education established.

I. A Board of Education shall be and is hereby established for carrying into effect the Purposes of this Act, and the Board shall consist of the following Persons; namely, a Person to be appointed by Her Majesty, who shall be permanent Chairman of the Board; the Lord Advocate and Solicitor General of Scotland for the Time being; *Four* Persons, One of whom shall be elected by the Senatus Academicus of each of the Universities of Edinburgh, Glasgow, and Saint Andrews, and the Fourth jointly by the Senatus Academicus of the University of King's College, Aberdeen, and the Senatus Academicus of the University of Marischal College, Aberdeen; the President of the Educational Institute of Scotland for the Time being; the Lord Provost for the Time being of the Cities of Edinburgh and Glasgow; and the Provost for the Time being of the Towns of Perth and Aberdeen; and an additional Number of Persons, not exceeding *Five*, whom it shall be lawful for Her Majesty to appoint to be Members of the Board; and there shall be paid to the Chairman such Salary, not exceeding *Six hundred Pounds* per Annum, as shall be fixed by the Commissioners of Her Majesty's Treasury; and it shall be lawful for Her Majesty, and Her Heirs and Successors, upon Cause shown, to remove the Chairman and any of the last-mentioned *Five* Members of the Board, and also from Time to Time to supply any Vacancy which may occur in the Board, by Death, Removal, Resignation, or otherwise, of the Chairman or any of the said last-mentioned *Five* Members of the Board; and the Meetings of each Senatus Academicus of each of the said Three Universities entitled to elect One Member of the Board at which such Election shall take place shall be called in the usual Manner of calling Meetings of such Senatus Academicus; and the joint Meetings of the Senatus Academicus of King's College, Aberdeen, and of the Senatus Academicus of Marischal College, Aberdeen, under this Act, shall be called by the Principals of the said Two Universities jointly, and in case of Equality of Voices in any such joint Meeting the Principal of King's College, whom failing the Principal of Marischal College, shall have a Casting Vote; and any Vacancy which may occur by the Death or Resignation of any such University Member shall be supplied at a Meeting of the Senatus Academicus, or at such joint Meeting by which he was chosen, to be called for that Purpose as aforesaid; and the Board shall be called "The Board of Education in Scotland."

II. A Place

II. A Place of Meeting for the Board shall be provided and maintained at Edinburgh, with an Office for the Secretary, and all necessary Accommodation; and the Salaries of the Chairman and Secretary, and the Salaries of the Inspectors and the Expenses attending the Execution of their Duties, and the Expense of Books and Stationery for the Use of the Board, and all the necessary and incidental Expenses attending the same, shall be defrayed out of Funds to be voted by Parliament for Educational Purposes in Scotland, and administered by the Committee of Her Majesty's most Honourable Privy Council on Education. Business of Board to be transacted at Edinburgh.

III. The Board shall meet at the Place of Meeting to be provided for them as aforesaid, or at such other Place in Edinburgh as shall be fixed for the Purpose, upon the *First Day of August* next after the passing of this Act, or upon the first convenient Day within *Ten* Days thereafter (of which due Notice shall be given by the Secretary to each of the Members of the Board), and shall thereafter hold Two General Meetings in each Year, One upon the *Third Wednesday in January*, and the other upon the *Third Wednesday in July;* and at such First Meeting, and at the said stated Meetings, and all other Meetings of the Board, *Three* Members shall be a Quorum, with Power to act in all Matters hereby committed to the Board; and the Board shall have Power to adjourn for such Time and to such Place as they shall think fit, and to hold special or pro re nata Meetings, which may be called in such Manner as the Board shall direct; and every Member of the Board present at a Meeting of the Board shall have One Vote at such Meeting, and in the event of Equality of Voices the Chairman of the Board shall have a Casting Vote; and it shall be the Duty of the Chairman of the Board to attend at all Meetings of the Board, in order to the regular Conduct of its Business. Meetings o the Board. Quorum.

IV. The Board, over and above the Matters hereby specially committed to their Care, shall exercise a general Superintendence of all the Parochial and Public Schools of Scotland, and shall from Time to Time make and establish such Rules and Regulations as they may deem necessary for carrying this Act into effect, and in particular for carrying out the System of Inspection provided by this Act, the Examination of Schoolmasters in Religious and Secular Knowledge and as to general Qualification and Ability, and the Election, Regulation, and Procedure of all School Committees appointed under this Act; and it shall be lawful for the Board to enforce the Observance of all such Rules and Regulations: Provided, That the same shall not be inconsistent with the Provisions of this Act. Powers of the Board.

Board may name Committees.

V. It shall be lawful for the Board, as often as they think fit, to appoint any *Two* or more of their Number as a Committee for the Purposes of this Act, and if more than *Two*, to fix the Number of such Committee that shall be sufficient to transact Business; and such Committee, in transacting the Business committed to them, may exercise for that Purpose all the Powers of the Board; and such Committee shall report to the Board at such Time or Times as the Board may direct or require, and shall be subject in the Exercise of its Functions to the Orders of the Board.

Secretary of the Board.

VI. It shall be lawful for Her Majesty to appoint a fit Person to be Secretary to the Board, to whom there shall be paid such Salary, not exceeding *Five hundred Pounds* per Annum, as shall be fixed by the Commissioners of Her Majesty's Treasury; and such Secretary, and every Secretary to be hereafter appointed, shall be removable from his Office by Her Majesty, Her Heirs and Successors, on the Application of the Board; and upon the Death, Resignation, or Removal of any such Secretary, the Board, with the Approbation of Her Majesty, Her Heirs and Successors, to be signified by One of Her Majesty's Principal Secretaries of State, shall appoint a Secretary in the Room of the Secretary so dying, resigning, or being removed; and such Secretary shall, under the Direction of the Board, keep regular Books and Minutes of all the Proceedings of the Board, and shall, in the Performance of all his Duties, and in all respects, be subject to the Inspection, Direction, and Control of the Board; and the Secretary shall find such Security as the General Board shall direct.

Inspectors of Schools to be appointed.

VII. It shall be lawful for Her Majesty, upon the Recommendation of the Committee of Council, to appoint from Time to Time as many qualified Persons as to Her Majesty shall seem fit, not exceeding in the whole *Ten* in Number, to be Inspectors of Schools in Scotland; and each such Inspector for the Time being shall receive an annual Salary of such Amount, not exceeding *Pounds* per Annum, as shall from Time to Time be recommended by the Committee of Council, and be approved of by the Commissioners of Her Majesty's Treasury, together with his travelling and other necessary Outlays incurred in the Execution of his Duties under this Act; and every such Inspector shall be removable at Pleasure by the Committee of Council.

Educational Districts to be established,

VIII. The Board shall, as soon as convenient after the *passing of this Act*, apportion Scotland, for the Purposes of this Act, into such and so many Educational Districts as they shall think fit, and shall place

place each District under the Charge of an Inspector, and shall cause the Limits of each such District, and the Name of the Inspector placed in Charge thereof, to be advertised in the "Edinburgh Gazette;" and the Board may, if they shall see fit, alter from Time to Time such Apportionment of Districts and Distribution of Inspectors, such Alteration being always advertised in the "Edinburgh Gazette" as aforesaid. and placed under Charge of Inspectors.

IX. Every Inspector under this Act shall be subject to the Direction and Control of the Board, who shall issue to such Inspectors from Time to Time such Orders and Instructions as they may think fit; and it shall be the Duty of each such Inspector within the District to be assigned to him under this Act, to visit and inspect its Parish and Public Schools, and to investigate and report on its Educational Condition, and to examine, upon all Branches of Knowledge and Efficiency, all Candidates for the Office of Schoolmaster in any such School within its Limits, in such Manner and according to such Rules and Regulations as the Board shall direct and appoint; and each such Inspector shall make an annual Report to the Board upon the State and Means of Education within his District, and shall also report to the Board, from Time to Time, as they may direct, upon any special Matters respecting which they may desire to be informed, in such Manner as the Board shall prescribe; and the Board shall, on or before the *Fifteenth Day of February One thousand eight hundred and fifty-six*, and on or before the like Period in every succeeding Year, transmit to the Committee of Council a Report as to the Transactions of the Board up to the Thirty-first Day of December immediately preceding; and such Report shall, together with the Estimate by this Act directed to be annually made up by the Committee of Council, be transmitted by the Committee of Council to One of Her Majesty's Principal Secretaries of State, and be laid before both Houses of Parliament; and in addition to such annual Reports the Board shall, on or before the *First Day of July One thousand eight hundred and fifty-seven*, transmit to One of Her Majesty's Principal Secretaries of State a special detailed Report of the Educational State of every Burgh and Parish in Scotland, setting out the Number of Schools therein, the Statistics of School Attendance at such Schools, the Proportion of such Attendance to the Population, the Number of Schools which have been established under this Act, and the Number of additional Schools which may be required, and the Districts and Localities in which the same are required, so as to exhibit a complete Account of the State of Education in Scotland, and accurate Details in regard to any Want of Education which may exist therein, and shall, in their annual Reports in subsequent Years, state what Changes or Alterations have taken place in regard to the Matters so specially reported on. Duties of Inspectors.

Salary of Parochial Schoolmaster to be at least 50*l.* per Annum.

X. In regard to Parochial Schools in Scotland, the Salary of each Parochial Schoolmaster shall, from and after the Term of *Martinmas One thousand eight hundred and fifty-four*, be at the least *Fifty Pounds* per Annum, payable in Money, without regard to Prices of Grain, whereof *Thirty-four Pounds* per Annum shall be raised or provided in the Way and Manner prescribed by the recited Act of the Forty-third Year of the Reign of King George the Third, and the remaining *Sixteen Pounds* per Annum shall be paid out of the Funds to be voted by Parliament for Educational Purposes in Scotland, and administered by the Committee of Council: Provided, That wherever Side Schools have been erected in any Parish, it shall be lawful for the Heritors to fix the Salary of the Master of such School at any Sum not more than *Thirty-four Pounds* nor less than *Twenty Pounds* per Annum, which Salary the Committee of Council and the Heritors shall contribute in the above-mentioned Proportions of *Sixteen Pounds* and *Thirty-four Pounds* respectively.

Retiring Allowances to Parochial Schoolmasters.

XI. When it shall appear to the Board or to the Heritors of a Parish that the Parochial Schoolmaster is unfit for the due Discharge of his Duties, or that, by reason of long Service, he should be allowed to retire, it shall be lawful for the Board or for the Heritors, subject to any Regulations which the Committee of Council may prescribe, and with the Consent and Approbation of the Committee of Council, to require or allow such Schoolmaster to retire, upon an Allowance of *Twenty-five Pounds* per Annum during his Life; and *One Half* of such retiring Allowance shall be paid by the Committee of Council out of the Funds to be voted by Parliament as above specified, and the *other Half* by the Heritors of such Parish.

Accommodation in Houses to be provided for Parish Schoolmasters.

XII. Where in any Parish it shall be necessary to provide a House for the Parochial Schoolmaster, in Terms of the recited Acts of the Forty-third Year of the Reign of His Majesty King George the Third, and of the First and Second Years of the Reign of Her present Majesty, or either of them, such House shall consist of at least *Three* Apartments besides the Kitchen.

Minister and Heritors of Parish to form School Committee of Parish School.

XIII. The Election of Parochial Schoolmasters shall remain, as heretofore, with the Minister and Heritors of the Parish, who shall also form the School Committee for the General Management of the Parish School, subject to such Orders and Regulations as the Board may from Time to Time issue: Provided, That in any Parish in which there may be only One Heritor, such Heritor shall, within *Two* Months from the passing of this Act, nominate *Two* Persons, being Ratepayers within the Parish, to act along with him and the

the Minister of the Parish on such School Committee, and may, on the Occasion of any Failure of either of such Persons, nominate Successors to such Persons from Time to Time, within *Two* Months of such Failure, and failing such Nomination it shall be lawful for the Board to nominate such Persons.

Parochial Schoolmaster not to be inducted until examined by Inspector.

XIV. When any Parochial Schoolmaster has been elected he shall, prior to his Induction, be examined by the Inspector of the District, or such other Inspector as the Board may appoint; and such Examination shall be open to the Minister and Heritors, who may suggest such Questions as they may think fit; and the Inspector shall report the Result of such Examination to the Board; and no such Schoolmaster shall be inducted until he have produced to the Minister and Heritors a Certificate by the Board approving of his Appointment; and so much of the recited Acts as require the Schoolmaster to be examined by the Presbytery, and to produce an Extract from the Presbytery Minutes is hereby repealed: Provided always, that it shall be lawful to any of the Minister and Heritors who have been present at such Examination to state to the Board any Objection to the Fitness of such Schoolmaster, and the Board shall judge of the same.

Tests abolished.

XV. It shall not be necessary for a Parochial Schoolmaster to subscribe any Test, Confession of Faith, or Formula.

Parochial Schoolmasters may be dismissed for Delinquency, &c.

XVI. It shall be lawful for any Member of the Presbytery of the Bounds, or the Minister or any Heritor of the Parish, or any *Two* Male Heads of Families, being Parents or Guardians of Children attending the Parish School, to present to the Board a Complaint charging the Parochial Schoolmaster with Crime or moral Delinquency, and the Board shall direct the Inspector to inquire into such Complaint; and if on the Report of the Inspector they find such Complaint to be well founded, it shall be lawful for the Board to punish such Schoolmaster, by Censure, Suspension, or Deprivation, as they shall think fit: Provided, That where any Parochial Schoolmaster shall consider himself aggrieved by such Sentence of the Board, he may lodge a Note of Appeal against the same to the Sheriff of the County within *Twenty-one* Days after the Date of such Sentence, and the Sheriff shall thereupon cause the same to be intimated to the Inspector of the District, and also to the Secretary of the Board, and shall also direct any further Intimation which he may think fit, and shall inquire into such Appeal in a summary Way, and in whatever Form or Manner he may deem suited to the Nature of the Case; and the Decision of the Sheriff on such Appeal shall be final and conclusive, and not subject to Review; and the Provisions of the recited Acts relative to the Trial or Deprivation of Schoolmasters are hereby repealed.

Heritors may resolve to place Parish School on Assessment, and Ratepayers may assess for it.

XVII. It shall be lawful for any Heritor of a Parish to apply in Writing to the Sheriff of the County, requiring him to call a Meeting of the Heritors of such Parish, for the Purpose of considering whether the Parish School should be maintained by Assessment, as hereinafter provided; and the Sheriff shall, within *Ten* Days after receiving such Application, call such Meeting, upon such Notice or Advertisement and in such Way and Manner as he may think fit; and it shall be in the Power of such Meeting of Heritors, by a Majority of those present, to resolve that such School shall be maintained by Assessment, as provided by this Act with reference to Public Schools; and in the event of their so resolving they shall report such Resolution to the Sheriff, who shall, within *Ten* Days thereafter, call a Meeting of the Ratepayers within the Parish, as aforesaid; and such Meeting shall assess themselves and the other Ratepayers within the Parish, and shall levy such Assessment, and appoint a School Committee, all as hereinafter provided, but of which School Committee the Minister of such Parish shall, in every such Case only, be an additional and *ex officio* Member; and such School shall thereafter be a Public School, and shall be managed and conducted in all respects in the Manner herein-after provided in regard to Public Schools established and maintained under this Act, the Salary of the Master of such School being always paid by the Ratepayers and the Committee of Council in the Proportions above provided in regard to Parochial Schoolmasters: Provided, That where a Meeting of Heritors called for the Purpose aforesaid shall have negatived a Proposition that the Parish School shall be maintained by Assessment as aforesaid, it shall not be competent for the Sheriff to call another Meeting for such Purpose until the Expiration of *Twelve* Months thereafter.

Meetings of Heritors under this Act, how to be called.

XVIII. Meetings of Heritors, and of Ministers and Heritors, under this Act, shall be called and convened, as nearly as may be, in the Manner prescribed by the recited Act of the Forty-third Year of the Reign of King George the Third, and the Proceedings at such Meetings shall be conducted, as nearly as may be, in Terms of that Act: Provided always, that it shall not be necessary to give any longer Notice of any such Meeting of Heritors, or of Minister and Heritors, than *Twenty-one* Days.

Ratepayers in Parishes to consider Proposal to found Public Schools.

XIX. In regard to Public Schools, on the Appointment of any Inspector under this Act, it shall be his Duty, whenever he has ascertained that the Means of Education afforded by the Parochial and Burgh Schools in his District are inadequate, and that a Public School or Schools, in addition to such Parochial and Burgh Schools, are required, to report the same from Time to Time to the Board; and in all Cases where the Inspector shall report that such additional School or Schools are required in any Parish, not being a Burgh or

Part

Part of a Burgh, the Board shall, as soon as they are satisfied with the Completeness of the Examination and Report of such Inspector, address a Letter to the Sheriff of the County, requiring such Sheriff to call a Meeting of the Ratepayers of such Parish, for the Purpose of considering such proposed Measure; and the Sheriff shall, within *Ten* Days after the Receipt of such Letter, call such Meeting, which shall be advertised as he may think fit; and such Meeting shall be attended by the Inspector, who shall give any Explanations which the Meeting may require in regard to such School; and it shall be in the Power of such Meeting, by the Votes of a Majority then present, to resolve that such additional School shall be established, and to assess themselves at a Rate not exceeding per Pound of the real Rent or annual Value of the Property in such Parish liable to Assessment in Terms of this Act, to be divided equally between Landlord and Tenant as after mentioned, and to proceed in the Manner herein-after provided.

When Public School established, School Committee to be formed.

XX. When in any Parish such Meeting of Ratepayers shall resolve to establish such Public School and to levy such Assessment as aforesaid, the Meeting shall adjourn to a Day not later than *One Month* from the Date of such Meeting, for the Purpose of appointing a School Committee, which shall consist of the whole Heritors within such Parish where the Number of such Heritors shall not exceed *Ten*, or where the Number of such Heritors shall exceed *Ten*, then of such Heritors not exceeding *Ten* as the Heritors present at such adjourned Meeting shall select out of their own Number, together also, in such Case, with such Number of Ratepayers, being equal to the Number of Heritors as aforesaid, and in no Case exceeding *Ten*, as may be elected by the Ratepayers present at the said adjourned Meeting; and the Board shall have Power to nominate, if they think fit, Persons being Ratepayers in the Parish, not exceeding *Three* in Number, as Members of such School Committee; and such School Committee shall continue in Office for *One* Year from the Date of such Election, and thereafter until a new School Committee shall be appointed, it being lawful to re-constitute the School Committee annually at any annual Meeting of Ratepayers called under this Act: Provided, That where there is only One Heritor in any such Parish he shall be entitled to nominate *Two* other Persons, being Ratepayers, to act along with him on the School Committee; and in every such Case the Ratepayers of such Parish shall, whether such Nomination be made or not, be entitled to elect *Three* Members of the School Committee as aforesaid.

Public Schools may be founded in Burghs,

XXI. When the Inspector of any District shall report to the Board that an additional School or Schools as above mentioned are required within the Limits of any Burgh, the Board, if they approve

and Town Council to be the School Committee.

of such Report, shall resolve that a Public School or Schools shall be founded, and shall intimate the same to the Committee of Council; and on such Resolution receiving the Sanction of the Committee of Council the Board shall intimate the same to the Chief Magistrate of such Burgh; and the Town Council of such Burgh shall, at a Meeting to be specially called for that Purpose, not later than *One Month* from the Date of such Intimation, impose an Assessment on all Ratepayers within the Limits of such Burgh, to the Extent necessary to provide the Proportion payable by Ratepayers towards establishing and maintaining a Public School under this Act; and the Town Council of such Burgh for the Time being shall constitute the School Committee, and shall be vested with all the Powers and charged with all the Duties of such School Committee, with reference to such Public School, under this Act; and the Business of the Town Council as such School Committee shall be conducted in all respects as the ordinary Business of such Town Council.

Arrangements to be made for the Acquisition or Erection of the necessary Buildings for Public Schools.

XXII. Where a Public School is to be established in any Parish or Burgh, the Inspector of the District shall communicate with the School Committee, with a view to the acquiring, completing, or erecting of proper Buildings for a Schoolhouse, and for a Schoolmaster's House, Offices, and Garden, and obtaining proper Estimates of the Expense, and Plans of Buildings, and contracting for the same, or making all necessary Arrangements for procuring all the requisite Accommodations for such School; and the said School Committee shall, with Concurrence of the Inspector, give such Orders and Directions, and enter into such Arrangements, as they may think proper, for accomplishing the said Objects; and the same shall be reported to and be subject to the Approval of the Board and of the Committee of Council.

Description of Buildings, &c. to be provided for Public Schools.

XXIII. The Buildings and Accommodations to be provided for the Service of a Public School to be founded under this Act shall include, where practicable, a commodious Schoolhouse, with suitable Maps, Plans, and other Furnishings, a Dwelling House for the Schoolmaster, consisting of at least *Three* Apartments besides the Kitchen, together with a Piece of Ground for a Garden, *One Fourth* of an Acre in Extent, properly fenced, as near to the Dwelling House as conveniently may be.

Cost of Public School Buildings to be defrayed, in the first instance, by the Committee of Council.

XXIV. The Expenses attending the Acquisition or Erection of the Schoolhouse, and Schoolmaster's House, Offices, and Garden, and the providing the necessary Accommodations therefor, as aforesaid, shall be defrayed in the first instance by the Committee of Council, who shall, so soon as may be, cause a complete Account of such Expenses, having attached to it a Certificate, signed by the Secretary, of the total Amount thereof, to be made out, and lodged with the Sheriff

Sheriff Clerk of the County; and a Copy of such Account and Certificate shall be communicated by the Inspector, when required, to the School Committee, for their Information.

Salary of Public Schoolmaster, &c. to be provided.

XXV. The Salary of each Public Schoolmaster, under this Act, shall be *Fifty Pounds* per Annum, payable half-yearly, *One Half* whereof shall be paid by the Committee of Council, and the other *Half* thereof, together with such annual Sum as shall be equal to *Three Pounds Five Shillings* per Centum per Annum upon the Amount expended by the Committee of Council, as certified by the Secretary, in Terms of this Act, on the Schoolhouse, Schoolmaster's House and Garden, and Accommodations connected therewith, shall be assessed upon the Ratepayers of the Parish in which such Public School is situated, in Terms of this Act: Provided, That such annual Assessment for Buildings shall be levied annually in each of *Twenty-two* Years immediately following the Date of such Certificate, but no longer, and the same shall be paid annually to the Queen's and Lord Treasurer's Remembrancer in Exchequer in Scotland.

Public Schoolmaster to produce Certificates, and pass Examination.

XXVI. Every Candidate for the Office of Schoolmaster in any Public School shall be subjected to such Examination by the Inspector of the District as may be prescribed by the Board; and no Person shall be inducted as such Schoolmaster until he shall have passed such Examination before the Inspector, and have obtained and produced to the School Committee a Certificate by the Board, approving of his Appointment, proceeding upon a Report by such Inspector; and every Member of such School Committee shall have the like Powers as are herein-before conferred on the Minister and Heritors in relation to the Examination of Parochial Schoolmasters.

Religious Instruction to be given in Parochial and Public Schools.

XXVII. Every School Committee under this Act shall appoint certain stated Hours for ordinary Religious Instruction by the Master, at which Children shall not be bound to attend, if their Parents or Guardians object.

Parents of Children attending Public School may visit it.

XXVIII. All Parents and Guardians of Scholars attending any Parochial or Public School shall be entitled to visit such School, at such Hours and under such Rules and Regulations as may from Time to Time be prescribed by the Inspector of the District.

Retiring Allowances to Public Schoolmasters.

XXIX. The Board and every School Committee under this Act respectively, with the Consent and Approbation of the Committee of Council, shall have such and all the like Powers of requiring or allowing any Public Schoolmaster to retire, in respect of his being unfit for the due Discharge of his Duties, and of granting him a retiring Allow-

ance, payable as herein-before mentioned, as are by this Act conferred upon the Heritors and the Board respectively with regard to Parochial Schoolmasters.

School Committee may appoint Female Assistant.

XXX. It shall be lawful for any School Committee under this Act to apply to the Board for Authority to appoint a Female Assistant in any Public School; and on such Authority being granted, the School Committee may proceed to appoint such Assistant in the same Manner as is herein provided respecting Schoolmasters; and it shall be lawful for the School Committee, with the Sanction of the Board, ot make such Regulations for the separate Instruction of the Male and Female Scholars as they shall deem expedient; and the Salary of such Female Assistant shall not amount to more than
Pounds per Annum, and shall be paid by the Ratepayers as above provided.

Board may dismiss Public Schoolmaster.

XXXI. It shall be competent for the Board, when they see reason, to dismiss any Public Schoolmaster, after due Inquiry and Consideration of any Statement which such Schoolmaster may make in his Defence.

Powers and Duties of School Committees.

XXXII. The Election of the Schoolmaster, and the Regulation of all Matters pertaining to the general Management of the School, shall be vested in the School Committee: Provided, That if it shall be reported to the Board by the Inspector of the District that in any School the Provisions of this Act are not faithfully carried out, it shall be in their Power to appoint a special Examination of such School, and to give such Orders thereon as they may think proper.

Procedure at Meetings of School Committee.

XXXIII. Any Member of a School Committee, not being a Town Council, may convene a Meeting of such Committee by circular Letter addressed to the Members thereof, and each Member of such Committee present at any Meeting thereof shall be entitled to a Vote, and the Majority of Votes shall regulate; and *Three* Members of a School Committee shall constitute a Quorum, and be entitled to exercise all the Powers conferred on such Committee by this Act.

Meetings of Ratepayers.

XXXIV. In every Parish, other than a Burgh, where the Ratepayers shall be assessed under this Act, a Meeting of Ratepayers shall be held annually upon some Day in the Month of *January* in each Year, and at such Time and Place as may be fixed by the Sheriff of the County, who shall annually give such public Notice of such Meeting as he may think fit; and Meetings of Ratepayers under this Act may be called from Time to Time, with public Notice as aforesaid, by the Sheriff of the County, on the Requisition of the Inspector of the District, or of any *Two* or more Ratepayers of the Parish, and may

may be held at such Place as may be mentioned in such Notice, and at such Time as may be appointed therein, not being less than *Two* nor more than *Four* Weeks from the Date of such Notice; and every such Meeting of Ratepayers may adjourn from Time to Time; and at all Meetings of Ratepayers under this Act each Ratepayer present at such Meeting shall be entitled to vote; and every such Meeting may elect a Preses, who shall be entitled both to a deliberative and a casting Vote, and may also elect a Clerk; and every such Election of Preses or Clerk, and every Act or Resolution of such Meeting of Ratepayers, shall be carried or otherwise disposed of according to the Majority of the Votes of the Ratepayers present thereat.

Unions of Parishes, &c. for the Purposes of this Act may be effected.

XXXV. Where the School Committee of any Parish or Burgh, or where there is no School Committee a Meeting of the Ratepayers of any Parish, shall be of opinion that a Union of such Parish or Burgh with any One or more adjoining Parishes or Burghs, for the Purposes of this Act, would be advantageous, it shall be competent for such School Committee or Meeting of Ratepayers, and also for the School Committee, or where there is no School Committee the Ratepayers of such adjoining Parish or Burgh, to pass Resolutions to that Effect, and also to agree upon the Terms on which such Union may be effected, whether as regards the joint Provision of a common School or Schools, the Proportions in which the necessary Funds are to be raised by the Parties to such Agreement, the Formation of a joint School Committee, or any other Matters which may be made the Subject of such Agreement; and if upon such Resolutions and proposed Terms of Agreement being submitted to the Board they shall approve of the same, and the same shall also be approved of by the Committee of Council, such Resolution and Agreement shall be effectual to bind the Parishes and Burghs who may be Parties thereto, and such Union shall take place in the Terms and to the Effect specified in such Agreement, and so sanctioned accordingly: Provided, That it shall be lawful for the Sheriff, on an Application being presented to him, with Concurrence of the Inspector of the District, by any Meeting of Ratepayers as aforesaid, or by any Heritor or Heritors desirous of having a new School Division erected which shall include Land belonging to them, to erect such Portion of a Parish or such Portions of Two or more adjoining Parishes, as he may think fit, into a separate School Division, which shall thenceforward be deemed, with reference to Schools and for the Purposes of this Act, a distinct and separate Parish, the Heritors and Ratepayers of which shall be free from all Burdens and Payments in respect of Schools and Schoolmasters in the Parishes from which such Portion or Portions have been so separated, and shall be liable only in the Burdens, Obligations, and Payments imposed by this Act in regard

to Schools and Schoolmasters in such School Division; and the Sheriff shall, on erecting any such School Division, appoint the Ratepayers thereof to meet at such Time and Place as he shall fix, and shall give Notice of such appointed Meeting in such Manner as he shall deem necessary and proper, and the Ratepayers then and there assembling shall, for the Establishment and Support of a Public School in such Division, assess the whole Ratepayers thereof at the Rate and in the Manner provided in the Nineteenth Section of this Act for the Assessment thereby authorized to be imposed: Provided also, that where a Side School has been previously erected in any such Portion of a Parish, if the Teacher thereof shall not be elected to be the Schoolmaster of the Public School to be established in such newly erected Division, the Ratepayers shall provide for him such yearly Allowance as may be fixed by the Board, not exceeding the Salary payable to him prior to the passing of this Act, where the Application for the Erection of the new School Division shall have been made within a Year of the passing thereof, or otherwise not exceeding his Salary under this Act, but subject to such Conditions as the Board may prescribe.

Assessments upon Heritors, how to be levied.

XXXVI. All Assessments authorized or directed by this Act to be assessed upon Heritors shall be laid on, levied, and collected from the like Parties, and in the same Way and Manner, and with the like Relief, as any Salary payable to any Parochial Schoolmaster under the recited Act of the Scottish Parliament passed in the Year One thousand six hundred and ninety-six, and the recited Act of the Forty-third Year of the Reign of King George the Third; and the full Year's Assessment first payable under this Act, in so far as the Heritors are made liable therefor, and in so far as the same may remain unpaid, shall be payable at the Term of *Martinmas One thousand eight hundred and fifty-five*, and the same shall thereafter be payable as heretofore at *Whitsunday* and *Martinmas*, and in so far as regards the Proportion payable by the Committee of Council, the same shall be paid as the said Committee shall direct.

Assessments upon Ratepayers, how to be levied.

XXXVII. All Assessments authorized or directed by this Act to be assessed upon Ratepayers shall be laid on and collected from the Ratepayers of the Parish, County, or Burgh to which such Assessment applies, by the Parties charged with the laying on and collecting, in such Parish, County, or Burgh of the annual Assessment authorized by an Act passed in the Second Year of the Reign of Her present Majesty, intituled "An Act to improve Prisons and Prison Discipline in Scotland;" and such Assessment under this Act shall be levied in the same Manner as, but separately from, the annual Assessment under the last-mentioned Act, and with the like Relief

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to Parties paying the same, except that as regards the Landward Parts of Counties any Proprietor paying an Assessment made upon him under this Act shall be entitled to Repayment from the Tenant of *One Half* of such Payment, and any Tenant paying such Assessment shall be entitled to deduct from his Rent the *One Half* of such Payment, but no more, to the Effect that in all Cases such Assessment may fall equally upon Landlords and Tenants; and where an Assessment shall be authorized or directed by this Act to be assessed upon the Ratepayers in a Parish partly landward and partly burghal, the Sheriff of the County within which such Parish is situated shall, upon a summary Petition by any Heritor of such Parish, or by the Chief or Senior Magistrate of the Burgh which or Part of which is included therein, or by any Two or more Ratepayers in such Parish, fix and determine what Proportion of such Assessment under this Act shall be annually levied upon the Landward District, and what Proportion from the Burghal District of such Parish, and shall pronounce an Interlocutor or Order upon such summary Petition accordingly, and such Interlocutor or Order shall be final and conclusive for all Time thereafter, and shall not be liable to Appeal or Review in any Form or by any Process whatsoever.

The Board may aid Industrial and Reformatory Schools.

XXXVIII. It shall be lawful for the Board, under Regulations to be approved of by the Committee of Council, and out of the Funds to be raised from Time to Time by general Assessment, in Terms of this Act, to institute or to aid, as the Board shall think fit, and to such Extent in each Case as they may deem proper, Industrial and Reformatory Schools in Scotland.

Board to make up annual Estimate of what is requisite for such Purposes, and Estimate to be laid before Parliament.

XXXIX. On or before the *Fifteenth Day of February in the Year One thousand eight hundred and fifty-seven*, and on or before the like Period in every succeeding Year, the Board shall make and transmit to the Committee of Council an Estimate of the Sums which they consider will be requisite during the then current Year, that is to say, from the First Day of January preceding to the Thirty-first Day of December following, for such Purposes, and which they are to raise by such general Assessment (stating the Rate per Pound to be assessed) in Terms of this Act; and such Estimate shall form Part of the annual Report herein directed to be transmitted by the Board to the Committee of Council, and to be laid before Parliament, and shall set forth in a separate and distinct Manner the particular Purposes for which the Sums therein contained are required; and such Estimate shall not be acted on as herein-after provided until the Expiration of *One Month* after the same shall have been laid before Parliament.

Amount of such Estimate, not

XL. After the Expiration of *One Month* from the Date of such annual Estimate and Report by the Board being laid before Parliament,

exceeding 1*d.* per Pound, may be raised by general Assessment.

and after the Approval of One of Her Majesty's Principal Secretaries of State shall have been signified thereto, and on or before the *Fifteenth Day of April* in each Year the Board shall give Notice by Advertisement in the "Edinburgh Gazette" that an Assessment at the Rate therein specified, not being more than the Rate specified in such Estimate, and not exceeding in any One Year *One Halfpenny* per Pound of the real Rent or annual Value of the Property liable to Assessment under this Act, is to be laid on and levied from the Ratepayers under this Act, for Industrial and Reformatory Schools; and it shall be the Duty of the Convener of the Commissioners of Supply of each County, and of the Chief Magistrate or Administrator of the Affairs of each Burgh in Scotland, to take notice of such Advertisements, and to lay on and collect, or direct and cause to be laid on and collected, from the Ratepayers within his County or Burgh respectively, an Assessment in Terms of this Act, at the Rate specified in such Advertisement as aforesaid; and the said Conveners of Counties and Chief Magistrates of Burghs respectively, or their Collectors, shall remit through One of the incorporated Banks in Scotland the Proceeds of such Assessment to the Board within *Eight* Months after Notice in the "Gazette" as aforesaid, with Interest thereon at the Rate of *Five Pounds* per Centum per Annum from the Expiration of the said *Eight* Months till paid; and the Monies so paid into Bank shall be placed to the Credit of an Account to be opened in the Name of the Board, which Account may be operated upon by Drafts signed by the Chairman and *Two* other Members of the Board, and the Secretary, or, failing the Chairman or Secretary from unavoidable Absence, by the Chairman or Secretary and *Four* Members of the Board; and the said Monies shall be applied by the Board in Terms of this Act.

The Board may hold Property, and sue and be sued.

XLI. The Board may acquire and hold Heritable and Moveable Property, and all Titles, Securities, and other Writings taken for the same may be taken by the said Board by the Name and Designation of "The Board of Education in Scotland," without further Description, or to or in Name of the Secretary for the Time being; and all such Property, being so taken and vested, shall be deemed to be held for the Use of the Board for the Time being, for the Purposes of this Act, and shall pass and be transmitted to the said Board, and to the Secretary for the Time being, without the Necessity of any further Conveyance, and the Board are also authorized to institute, defend, or enter into Actions, References to Arbitration, or other such Proceedings which they may find necessary in the Course of the Execution of this Act, in the Name of the Board or of the Secretary for the Time being, and no Proceedings shall be discontinued or abated by any Vacancy in the said Office of Secretary, but the same may be proceeded in to all Intents and Purposes in the Name of the Board

or

or of the Secretary commencing the same, or his Successor, and all Minutes of the Board, signed by the Chairman on Behalf of the Board, and all Copies of such Minutes, certified as such by the Secretary, shall be deemed to be probative, and all Deeds and Writings whatever executed by the Chairman and Secretary, and Two or more ordinary Members of the Board, as acting on its Behalf, shall be deemed to be well executed by the Board.

Heirs of Entail and others may convey Property to the Board.

XLII. It shall be lawful for any Corporate Body, Heir of Entail, Tutor, Trustee, or any other Person, although under any legal Disability or Incapacity, who shall be vested and seised in or possessed of any Lands, Houses, or other Heritages which the Board may be desirous to purchase or acquire for the Purposes of this Act, to sell dispone, and convey the same to the Board, for such fair and adequate Price as shall be agreed upon; and all such Conveyances, and the Titles to be made up thereupon in favour of the Board or the Secretary, shall be in common Form, and shall be valid and effectual; and all Corporate Bodies, Heirs of Entail, Tutors, Trustees, and other Persons so conveying are hereby indemnified for and in respect of such Conveyance which they or any of them shall make in pursuance of this Act.

Application of Prices of Property so conveyed.

XLIII. If any Price agreed to be paid for any such Lands, Houses, or Heritages, to or on behalf of any Corporate Body, Heir of Entail, Pupil, or other Person under Disability or Incapacity, shall exceed the Sum of *Two hundred Pounds*, the same shall be paid into One of the incorporated Banks of Scotland, to an Account in the Names of *Two* Persons, one to be named by the Board, and the other by the Person making the Conveyance to the Board; and such Price shall be applied, under the Direction of either Division of the Court of Session, obtained in a summary Petition by such *Two* Persons to the said Court, in the Purchase of Land Tax, or towards Discharge of Debt or other Incumbrance, or in the Purchase of Lands, Houses, or Heritages, or in such other Manner, being to the same or the like Uses and Purposes as those upon which the Property so conveyed stood settled or invested, as such Court shall direct; and if any such Price shall be less than *Two hundred Pounds* the same shall be paid to the Person or Persons making such Conveyance: Provided, That the Board shall not be responsible for the Application of any such Price paid in Terms of this Act.

Questions as to Constitution of School Committees, &c. to be settled by Board or Committee of Council without Appeal.

XLIV. Where any Question shall arise under this Act as to the Constitution of any School Committee, or as to the Persons entitled to act as Members thereof, it shall be lawful for the Board to determine such Question absolutely, and without Appeal, after making such Inquiry as to the Board may seem fit; and where any Question

shall arise under this Act as to the Constitution of the Board, or as to the Persons other than those to be appointed by Her Majesty, Her Heirs and Successors, entitled to act as Members thereof, it shall be lawful for the Committee of Council to determine such Question absolutely, and without Appeal, after making such Inquiry as to the Committee of Council may seem fit; and all Acts of any School Committee, being de facto in the Exercise of the Functions of such School Committee, shall, if otherwise lawful under this Act, be good and valid, notwithstanding any such Defect as aforesaid, unless in so far as such Acts shall be expressly declared by the Board to be null and void in respect of such Defect, and all Acts of the Board de facto acting for the Time shall, if otherwise lawful under this Act, be good and valid, notwithstanding any such Defect as aforesaid, unless in so far as such Acts shall be expressly declared by the Committee of Council to be null and void in respect of such Defect.

Committee of Council may make Alterations in existing Privy Council Minutes.

XLV. It shall be lawful for the Committee of Council to alter or modify, in so far as they may consider it to be proper with reference to the Provisions of this Act, any existing Minutes of Her Majesty's Most Honourable Privy Council in regard to Education; but such Minutes, unless in so far as so altered or modified, shall be in no way affected by the passing of this Act.

Annual Estimate of Sums required by them for Purposes of this Act to be made up by Committee of Council, and laid before Parliament.

XLVI. On or before the *Twentieth Day of February in the Year One thousand eight hundred and fifty-six*, and on or before the like Period in every succeeding Year, the Committee of Council shall make, and transmit to One of Her Majesty's Principal Secretaries of State, an Estimate of the Sums which they shall require in the Execution of this Act during the Period from the First Day of January to the Thirty-first Day of December of the then current Year; and such Estimate shall set forth in a separate and distinct Manner the Purposes for which the Sums therein contained shall be required, and shall distinguish the Expenses applicable to each County, and to each Burgh, and to each Parish of a County respectively; and such Estimate shall by such Secretary of State be laid before both Houses of Parliament, and shall not be acted upon until the Expiration of *One Month* after the same shall have been so laid before Parliament.

Interpretation Clause.

XLVI. In this Act, where there is nothing in the Context repugnant to such Construction, the following Words and Expressions shall be construed as follows; (that is to say,) the Word "Parish" shall include a District or Division of a Parish in which a School has been or may be founded or endowed under the Authority of the recited Act of the First and Second Year of the Reign of He present Majesty, and any School Division which may be erected under

under the Provisions of this Act; the Expression "Parish School" shall include a School founded or endowed or to be founded or endowed under the Authority of the recited Act of the First and Second Year of the Reign of Her present Majesty, as well as a Parish or Parochial School within the Meaning of the said recited Act of the Forty-third Year of the Reign of King George the Third; the Expression "Parochial Schoolmaster" shall mean a Schoolmaster elected or inducted to a Parish School; the Expression "Public School" shall mean a School founded or endowed under the Authority of this Act; the Expression "Public Schoolmaster" shall mean a Schoolmaster elected or inducted to a Public School; the Expression "Burgh School" shall mean a School under the Control of the Town Council as such, and to which the Town Council contributes or is entitled to contribute out of the Common Funds of the Burgh; the Expression "Side School" shall mean a School founded or endowed under the Authority of the recited Act of the First and Second Year of the Reign of Her present Majesty; the Word "Ratepayer" shall mean a Person assessed or liable to be assessed under an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act to improve Prisons and Prison Discipline in Scotland;" the Word "Heritor" shall mean a Person possessed of the Qualification prescribed by the recited Act of the Forty-third Year of the Reign of King George the Third, and shall include an elected Heritor under this Act; the Word "Inspector" shall mean an Inspector of Schools in Scotland under this Act; the Expression "the Board" shall mean "The Board of Education in Scotland" established by this Act; the Expression "the Chairman" shall mean the Chairman of the Board; the Expression "the Secretary" shall mean the Secretary of the Board; the Expression "the Committee of Council" shall mean the Committee of Her Majesty's Most Honourable Privy Council on Education; the Word "Sheriff" shall include Sheriff Substitute; the Word "Burgh" shall mean any Burgh which sends or contributes to send a Member or Members to Parliament under an Act passed in the Second and Third Year of the Reign of His late Majesty, intituled "An Act to amend the Representation of the People in Scotland;" and the Words "the Limits of such Burgh" shall mean the Limits prescribed by the said Act; and the Words "Town Council" shall include the Provost, Magistrates, and Town Council of any Burgh.

Recited Acts, &c. repealed, in so far as inconsistent with this Act.

XLVII. The recited Acts, and all Laws, Statutes, and Usages now in force respecting Schools and Schoolmasters in Scotland, shall be and the same are hereby repealed, in so far as necessary to give full Effect to the Provisions of this Act, but no further or otherwise.

Education.

(Scotland.)

A

BILL

To provide for the Education of the People in Scotland.

(Prepared and brought in by
The Lord Advocate, Viscount Palmerston,
and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
28 *March* 1855.

[Bill 69.]

Under 2 oz.

2 *July* 1855. 18 & 19 Vict.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Provide for the Education of the People in Scotland.

WHEREAS an Act was passed by the Parliament of Scotland in the Sixth Session of the First Parliament of King William in the Year One thousand six hundred and ninety-six, intituled "Act for settling of Schools;" and another Act was passed by the Parliament of Great Britain in the Forty-third Year of the Reign of His Majesty King George the Third, intituled "An Act for making better Provision for the Parochial School-masters, and for making further Regulations for the better Government of the Parish Schools, in Scotland;" and another Act was passed in the First and Second Year of the Reign of Her present Majesty, intituled "An Act to facilitate the Foundation and Endowment of additional Schools in Scotland:" And whereas some of the Provisions of the recited Acts are unsuited to the present Condition of the Community of Scotland: And whereas Instruction in the Principles of Religious Knowledge, and the Reading of the Holy Scriptures, as heretofore in use in the Parochial Schools in that Country, is consonant to the Religious Opinions and Profession of the great Body of the People, while at the same Time ordinary Secular Instruction has been and should be available to Children of all Denominations: And whereas the Means of Education

Preamble.

1696, c. 26.

43 G. 3. c. 54.

1 & 2 Vict. c. 87.

in Scotland fall short of what is required by the Circumstances and increased Population of that Country, and the present System of Superintendence and Management of the Parochial Schools ought to be altered and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Board of Education established.

I. A Board of Education shall be and is hereby established for carrying into effect the Purposes of this Act, and the Board shall consist of the following Persons; namely, a Person to be appointed by Her Majesty, who shall be permanent Chairman of the Board; Four Persons, One of whom shall be elected by each of the Town Councils of Edinburgh, Glasgow, Dundee, and Perth; Four Persons, One of whom shall be elected by the Commissioners of Supply of each of the Counties of Inverness, Aberdeen, Renfrew, and Ayr; and Four Persons, One of whom shall be elected by each of the Universities of Edinburgh, Glasgow, Saint Andrew's, and One alternately by the Universities of King's College and Marischal College, Aberdeen, the former having the First Election; a Member to be elected by the Educational Institute of Scotland; and Three Persons to be nominated by Her Majesty; and the Members of the Board shall hold Office for Three Years, and shall be capable of Re-election or Appointment, and the First Election under this Act shall take place at a Meeting duly called, to take place on the Thirtieth Day of October One thousand eight hundred and fifty-five, and the Board shall be called "The Board of Education in Scotland;" and there shall be paid to the Chairman such Salary, not exceeding Six hundred Pounds per Annum, as shall be fixed by the Commissioners of Her Majesty's Treasury; and it shall be lawful for Her Majesty, and Her Heirs and Successors, upon Cause shown, to remove the Chairman and any of the last-mentioned Three Members of the Board, and also from Time to Time to supply any Vacancy which may occur in the Board, by Death, Removal, Resignation, or otherwise, of the Chairman or any of the said last-mentioned Three Members of the Board.

Business of Board to be transacted at Edinburgh.

II. A Place of Meeting for the Board shall be provided and maintained at Edinburgh, with an Office for the Secretary, and all necessary Accommodation; and the Salaries of the Chairman and Secretary, and the Salaries of the Inspectors and the Expenses attending the Execution of their Duties, and the Expense of Books and Stationery for the Use of the Board, and all the necessary and incidental Expenses attending the same, shall be defrayed out of Funds to be voted by Parliament for Educational Purposes in Scotland,

land, and administered by the Committee of Her Majesty's Most Honourable Privy Council on Education.

Meetings of the Board.

III. The Board shall meet at the Place of Meeting to be provided for them as aforesaid, or at such other Place in Edinburgh as shall be fixed for the Purpose, upon the First Day of August next after the passing of this Act, or upon the first convenient Day within Ten Days thereafter (of which due Notice shall be given by the Secretary to each of the Members of the Board), and shall thereafter hold Two General Meetings in each Year, One upon the Third Wednesday in January, and the other upon the Third Wednesday in July; and at such First Meeting, and at the said stated Meetings, and all other Meetings of the Board, Five Members shall be a Quorum, with Power to act in all Matters hereby committed to the Board; and the Board shall have Power to adjourn for such Time and to such Place as they shall think fit, and to hold special or pro re nata Meetings, which may be called in such Manner as the Board shall direct; and every Member of the Board present at a Meeting of the Board shall have One Vote at such Meeting, and in the event of Equality of Voices the Chairman of the Board shall have a Casting Vote; and it shall be the Duty of the Chairman of the Board to attend at all Meetings of the Board, in order to the regular Conduct of its Business.

Quorum.

Powers of the Board.

IV. The Board, over and above the Matters hereby specially committed to their Care, shall exercise a general Superintendence of all the Parochial and Public Schools of Scotland, and shall from Time to Time make and establish such Rules and Regulations as they may deem necessary for carrying this Act into effect, and in particular for carrying out the System of Inspection provided by this Act, the Examination of Schoolmasters in Religious and Secular Knowledge and as to general Qualification and Ability, and the Election, Regulation, and Procedure of all School Committees appointed under this Act; and it shall be lawful for the Board to enforce the Observance of all such Rules and Regulations: Provided that the same shall not be inconsistent with the Provisions of this Act.

Board may name Committees.

V. It shall be lawful for the Board, as often as they think fit, to appoint any Two or more of their Number to act with the Chairman as a Committee for the Purposes of this Act, or if more than Two to fix the Number of such Committee that shall be sufficient to transact Business; and such Committee, in transacting the Business committed to them, may exercise for that Purpose all

the Powers of the Board; and such Committee shall report to the Board at such Time or Times as the Board may direct or require, and shall be subject in the Exercise of its Functions to the Orders of the Board: Provided always, that such Committee shall not be appointed to act for any longer Period than Three Weeks at One Time.

Secretary of the Board.

VI. It shall be lawful for Her Majesty to appoint a fit Person to be Secretary to the Board, to whom there shall be paid such Salary, not exceeding Five hundred Pounds per Annum, as shall be fixed by the Commissioners of Her Majesty's Treasury; and such Secretary, and every Secretary to be hereafter appointed, shall be removable from his Office by Her Majesty, Her Heirs and Successors, on the Application of the Board; and upon the Death, Resignation, or Removal of any such Secretary, the Board, with the Approbation of Her Majesty, Her Heirs and Successors, to be signified by One of Her Majesty's Principal Secretaries of State, shall appoint a Secretary in the Room of the Secretary so dying, resigning, or being removed; and such Secretary shall, under the Direction of the Board, keep regular Books and Minutes of all the Proceedings of the Board, and shall, in the Performance of all his Duties, and in all respects, be subject to the Inspection, Direction, and Control of the Board; and the Secretary shall find such Security as the General Board shall direct.

Inspectors of Schools to be appointed.

VII. It shall be lawful for Her Majesty, upon the Recommendation of the Committee of Council, to appoint from Time to Time as many qualified Persons as to Her Majesty shall seem fit to be Inspectors of Schools in Scotland; and each such Inspector for the Time being shall receive an annual Salary of such Amount, not exceeding Four hundred Pounds per Annum, as shall from Time to Time be recommended by the Committee of Council, and be approved of by the Commissioners of Her Majesty's Treasury, together with his travelling and other necessary Outlays incurred in the Execution of his Duties under this Act; and every such Inspector shall be removable at Pleasure by the Committee of Council.

Educational Districts to be established, and placed under Charge of Inspectors.

VIII. The Board shall, as soon as convenient after the passing of this Act, apportion Scotland, for the Purposes of this Act, into such and so many Educational Districts as they shall think fit, and shall place each District under the Charge of an Inspector or Inspectors, and shall apportion the Duties of the several Inspectors, if more than One, and shall cause the Limits of each such District, and the Name of the Inspector or Inspectors placed in Charge thereof, to be advertised

tised in the "Edinburgh Gazette;" and the Board may, if they shall see fit, alter from Time to Time such Apportionment of Districts and Distribution of Inspectors, and their several Duties, such Alteration being always advertised in the "Edinburgh Gazette" as aforesaid.

Duties of Inspectors.

IX. Every Inspector under this Act shall be subject to the Direction and Control of the Board, who shall issue to such Inspectors from Time to Time such Orders and Instructions as they may think fit; and it shall be the Duty of each such Inspector, within the District to be assigned to him under this Act, to visit and inspect its Parish and Public Schools, or such of them as may be assigned him for Inspection, and to investigate and report on its Educational Condition, and, when required, to examine, upon all Branches of Knowledge and Efficiency, all Candidates for the Office of Schoolmaster in any such School within its Limits, in such Manner and according to such Rules and Regulations as the Board shall direct and appoint; and each such Inspector shall make an annual Report to the Board upon the State and Means of Education within his District or the Limits assigned to him, and on the Manner in which the Provisions of this Bill have been carried out, and shall also report to the Board, from Time to Time, as they may direct, upon any special Matters respecting which they may desire to be informed, in such Manner as the Board shall prescribe; and the Board shall, on or before the Fifteenth Day of February One thousand eight hundred and fifty-six, and on or before the like Period in every succeeding Year, transmit to the Committee of Council a Report as to the Transactions of the Board up to the Thirty-first Day of December immediately preceding; and such Report shall, together with the Estimate by this Act directed to be annually made up by the Committee of Council, be transmitted by the Committee of Council to One of Her Majesty's Principal Secretaries of State, and be laid before both Houses of Parliament; and in addition to such annual Reports the Board shall, on or before the First Day of July One thousand eight hundred and fifty-seven, transmit to One of Her Majesty's Principal Secretaries of State a special detailed Report of the Educational State of every Burgh and Parish in Scotland, setting out the Number of Schools therein, the Statistics of School Attendance at such Schools, the Proportion of such Attendance to the Population, the Number of Schools which have been established under this Act, and the Number of additional Schools which may be required, and the Districts and Localities in which the same are required, so as to exhibit a complete Account of the State of Education in Scotland, and accurate Details in regard to any Want of Education which may exist therein, and shall, in their annual Reports in subsequent Years,

state what Changes or Alterations have taken place in regard to the Matters so specially reported on.

Salary of Parochial Schoolmaster to be at least 50*l.* per Annum.

X. In regard to Parochial Schools in Scotland, the Salary of each Parochial Schoolmaster shall, from and after the Term of Martinmas One thousand eight hundred and fifty-four, be at the least Fifty Pounds per Annum, payable in Money, without regard to Prices of Grain, whereof Thirty-four Pounds per Annum shall be raised or provided in the Way and Manner prescribed by the recited Act of the Forty-third Year of the Reign of King George the Third, and the remaining Sixteen Pounds per Annum shall be paid out of the Funds to be voted by Parliament for Educational Purposes in Scotland, and administered by the Committee of Council.

Retiring Allowances to Parochial Schoolmasters.

XI. When it shall appear to the Board or to the Heritors of a Parish that the Parochial Schoolmaster is unfit for the due Discharge of his Duties, or that, by reason of long Service, he should be allowed to retire, it shall be lawful for the Board or for the Heritors, subject to any Regulations which the Committee of Council may prescribe, and with the Consent and Approbation of the Committee of Council, to require or allow such Schoolmaster to retire, upon an Allowance of not less than Thirty-two Pounds or more than Forty Pounds per Annum during his Life; and One Half of such retiring Allowance shall be paid by the Committee of Council out of the Funds to be voted by Parliament as above specified, and the other Half by the Heritors of such Parish.

Accommodation in Houses to be provided for Parish Schoolmasters.

XII. Where in any Parish it shall be necessary to provide a House for the Parochial Schoolmaster, in Terms of the recited Acts of the Forty-third Year of the Reign of His Majesty King George the Third and of the First and Second Years of the Reign of Her present Majesty, or either of them, such House shall consist of at least Three Apartments besides the Kitchen.

Minister and Heritors of Parish to form School Committee of Parish School.

XIII. The Election of Parochial Schoolmasters shall remain, as heretofore, with the Minister and Heritors of the Parish, who shall also form the School Committee for the General Management of the Parish School, subject to such General Orders and Regulations as the Board may from Time to Time issue: Provided that in any Parish in which the Number of Heritors qualified under the said recited Act of George the Third shall not amount to Three, the Heritor or the Two Heritors required, as the Case may be, to make up that Number of the next highest Valuation, shall, though not so qualified, be Members of the School Committee, and have a Vote in the

the Election of Schoolmaster; and where there may not be in all Three such Heritors, qualified and not qualified, the sole Heritor, or the Two such Heritors, as the Case may be, shall, within Two Months from the passing of this Act, nominate Two Persons, being Ratepayers within the Parish, to act along with him and the Minister of the Parish on such School Committee, and may, on the Occasion of any Failure of either of such Persons, nominate Successors to such Persons from Time to Time, within Two Months of such Failure, and failing such Nomination it shall be lawful for the Board to nominate such Persons.

Parochial Schoolmaster not to be inducted until examined by Inspector.

XIV. When any Parochial Schoolmaster has been elected, he shall, prior to his Induction, be examined by the Inspector of the District, or such other Inspector as the Board may appoint, in such Manner or on such Branches of Literature as, with a due Regard to the Circumstances of the Parish, may be prescribed; and such Examination shall be open to the Minister and Heritors, who may suggest such Questions as they may think fit; and the Inspector shall report the Result of such Examination to the Board; and no such Schoolmaster shall be inducted until he have produced to the Minister and Heritors a Certificate by the Board approving of his Appointment; and so much of the recited Acts as require the Schoolmaster to be examined by the Presbytery, and to produce an Extract from the Presbytery Minutes in regard to his Sufficiency for the Office in respect of Literature, is hereby repealed: Provided always, that it shall be lawful to any of the Minister and Heritors who have been present at such Examination to state to the Board any Objection to the Fitness of such Schoolmaster, and the Board shall judge of the same.

Tests abolished.

XV. It shall not be necessary for a Parochial Schoolmaster to subscribe any Test, Confession of Faith, or Formula: Provided always, that every such Schoolmaster shall, prior to his Election, produce to the Electors a Certificate, signed by a Minister of the Religious Denomination to which he belongs, attesting his Religious and Moral Character.

Parochial Schoolmasters may be dismissed for Delinquency, &c.

XVI. It shall be lawful for any Member of the Presbytery of the Bounds, or the Minister or any Heritor of the Parish, or any Two Male Heads of Families, being Parents or Guardians of Children attending the Parish School, to present to the Board a Complaint charging any Parochial Schoolmaster in Office at the passing of this Act with Crime or Moral Delinquency, and the Board shall direct the Inspector to inquire into such Complaint; and if on the Report of the Inspector they find such Complaint to be well founded, it

shall be lawful for the Board to punish such Schoolmaster, by Censure, Suspension, or Deprivation, as they shall think fit; and the Provisions of the recited Acts relative to the Trial or Deprivation of Schoolmasters are hereby repealed.

Heritors may resolve to place Parish School on Assessment, and Ratepayers may assess for it.

XVII. It shall be lawful for any Heritor of a Parish to apply in Writing to the Sheriff of the County, requiring him to call a Meeting of the Heritors of such Parish, for the Purpose of considering whether the Parish School should be maintained by Assessment, as hereinafter provided; and the Sheriff shall, within Ten Days after receiving such Application, call such Meeting, upon such Notice or Advertisement and in such Way and Manner as he may think fit, having regard to the Circumstances of the Parish, and to affording to all the Heritors reasonable Opportunity of receiving Notice and of attending the Meeting, the Expense of which Notice and Advertisement shall be paid by the Party or Parties requiring the Meeting to be called; and it shall be in the Power of such Meeting of Heritors, by a Majority of those present, personally or by Proxy, to resolve in like Manner that on a Day to be then fixed, not less than Ten Days thereafter, they will consider of a Proposition that such School shall be maintained by Assessment, and such Resolution shall be notified in like Manner; and it shall be in the Power of such adjourned Meetings, by a Majority of those present, to resolve, that such School shall be maintained by Assessment, as provided by this Act with reference to Public Schools; and in the event of their so resolving they shall report such Resolution to the Sheriff, who shall within Ten Days thereafter call a Meeting of the Ratepayers within the Parish, as aforesaid; and such Meeting shall assess themselves and the other Ratepayers within the Parish, and shall levy such Assessment, and appoint a School Committee, all as hereinafter provided, but of which School Committee the Minister of such Parish shall, in every such Case only, be an additional and ex officio Member; and such School shall thereafter be a Public School, and shall be managed and conducted in all respects in the Manner herein-after provided in regard to Public Schools established and maintained under this Act, the Salary of the Master of such School being always paid by the Ratepayers and the Committee of Council in the Proportions above provided in regard to Parochial Schoolmasters: Provided that no such Meeting shall be called until Three Years have elapsed after the passing of this Act, where a Meeting of Heritors called for the Purpose aforesaid shall have negatived a Proposition that the Parish School shall be maintained by Assessment as aforesaid; and it shall not be competent for the Sheriff to call another Meeting for such Purpose until the Expiration of Five Years thereafter.

XVIII. Meetings

Meetings of Heritors under this Act, how to be called.

XVIII. Meetings of Heritors, and of Ministers and Heritors, under this Act, shall be called and convened, as nearly as may be, in the Manner prescribed by the recited Act of the Forty-third Year of the Reign of King George the Third, and the Proceedings at such Meetings shall be conducted, as nearly as may be, in Terms of that Act: Provided always, that it shall not be necessary to give any longer Notice of any such Meeting of Heritors, or of Minister and Heritors, than Twenty-one Days.

Ratepayers in Parishes to consider Proposal to found Public Schools.

XIX. In regard to Public Schools, on the Appointment of any Inspector under this Act, it shall be his Duty, whenever he has ascertained that the Means of Education in his District are inadequate, to report the same from Time to Time to the Board; and in all Cases where the Inspector shall report that an additional School or Schools is or are required in any Parish, not being a Burgh or Part of a Burgh, the Board shall, as soon as they are satisfied with the Completeness of the Examination and Report of such Inspector, address a Letter to the Sheriff of the County, requiring such Sheriff to call a Meeting of the Ratepayers of such Parish, for the Purpose of considering such proposed Measure; and the Sheriff shall, within Ten Days after the Receipt of such Letter, call such Meeting, which shall be advertised as he may think fit; and such Meeting shall be attended by the Inspector, who shall give any Explanations which the Meeting may require in regard to such School; and such Meeting shall proceed to establish such School, and to assess themselves at a Rate not exceeding Sixpence per Pound of the Real Rent or annual Value of the Property in such Parish liable to Assessment in Terms of this Act, to be divided equally between Landlord and Tenant as after mentioned, and to proceed in the Manner hereinafter provided: Provided always, that if such Meeting are dissatisfied with the Report of the Inspector, they may appeal against it to the General Board, whose Decision thereon shall be final, and who shall give such further Directions as they shall think fit.

When Public School established, School Committee to be formed.

XX. When in any Parish such Meeting of Ratepayers shall resolve to establish such Public School and to levy such Assessment as aforesaid, the Meeting shall adjourn to a Day not later than One Month from the Date of such Meeting, for the Purpose of appointing a School Committee, which shall consist of the whole Heritors within such Parish where the Number of such Heritors shall not exceed Ten, or where the Number of such Heritors shall exceed Ten, then of such Heritors not exceeding Ten as the Heritors present at such adjourned Meeting shall select out of their own Number, together also, in such Case, with such Number of Ratepayers, being equal to the Number of Heritors as aforesaid, and in no Case exceeding Ten, as may be

elected by the Ratepayers present at the said adjourned Meeting; and the Board shall have Power to nominate, if they think fit, Persons being Ratepayers in the Parish, not exceeding Three in Number, as Members of such School Committee; and such School Committee shall continue in Office for One Year from the Date of such Election, and thereafter until a new School Committee shall be appointed, it being lawful to re-constitute the School Committee annually at any annual Meeting of Ratepayers called under this Act: Provided that where there is only One Heritor in any such Parish he shall be entitled to nominate Two other Persons, being Ratepayers, to act along with him on the School Committee; and in every such Case the Ratepayers of such Parish shall, whether such Nomination be made or not, be entitled to elect Three Members of the School Committee as aforesaid.

Public Schools may be founded in Burghs, and Town Council to be the School Committee.

XXI. When the Inspector of any District shall report to the Board that an additional School or Schools as above mentioned are required within the Limits of any Burgh, the Board, if they approve of such Report, shall resolve that a Public School or Schools shall be founded, and shall intimate the same to the Committee of Council; and on such Resolution receiving the Sanction of the Committee of Council the Board shall intimate the same to the Chief Magistrate of such Burgh; and the Town Council of such Burgh shall, at a Meeting to be specially called for that Purpose, not later than One Month from the Date of such Intimation, impose an Assessment on all Ratepayers within the Limits of such Burgh, to the Extent necessary to provide the Proportion payable by Ratepayers towards establishing and maintaining a Public School under this Act, subject to the like Power of Appeal herein-before conferred on Heritors; and the Town Council of such Burgh for the Time being shall constitute the School Committee, and shall be vested with all the Powers and charged with all the Duties of such School Committee, with reference to such Public School, under this Act; and the Business of the Town Council as such School Committee shall be conducted in all respects as the ordinary Business of such Town Council.

Arrangements to be made for the Acquisition or Erection of the necessary Buildings for Public Schools.

XXII. Where a Public School is to be established in any Parish or Burgh, the Inspector of the District shall communicate with the School Committee, with a view to the acquiring, completing, or erecting of proper Buildings for a Schoolhouse, and for a Schoolmaster's House, Offices, and, where practicable, a Garden, and obtaining proper Estimates of the Expense, and Plans of Buildings, and contracting for the same, or making all necessary Arrangements for procuring all the requisite Accommodations for such School, including

including Playground; and the said School Committee shall, with Concurrence of the Inspector, give such Orders and Directions, and enter into such Arrangements, as they may think proper, for accomplishing the said Objects, and the same shall be reported to and be subject to the Approval of the Board and of the Committee of Council.

Description of Buildings, &c. to be provided for Public Schools.

XXIII. The Buildings and Accommodations to be provided for the Service of a Public School to be founded under this Act shall include, where practicable, a commodious Schoolhouse, with suitable Maps, Plans, and other Furnishings, a Dwelling House for the Schoolmaster, consisting of at least Three Apartments besides the Kitchen, together with a Piece of Ground for a Garden, not exceeding One Fourth of an Acre in Extent, properly fenced, as near to the Dwelling House as conveniently may be: Provided always, that in the event of the Acquisition by Purchase of any existing School or Buildings or Ground heretofore used for educational Purposes, the whole of the Sums expended upon such Buildings or Ground from Privy Council Grants shall be deducted from the Price paid.

Cost of Public School Buildings to be defrayed, in the first instance, by the Committee of Council.

XXIV. The Expenses attending the Acquisition or Erection of the Schoolhouse, and Schoolmaster's House, Offices, and Garden, and the providing the necessary Accommodations therefor, as aforesaid, shall be defrayed in the first instance by the Committee of Council, who shall, so soon as may be, cause a complete Account of such Expenses, having attached to it a Certificate, signed by the Secretary, of the total Amount thereof, to be made out, and lodged with the Sheriff Clerk of the County; and a Copy of such Account and Certificate shall be communicated by the Inspector, when required, to the School Committee, for their Information.

Salary of Public Schoolmaster, &c. to be provided.

XXV. The Salary of each Public Schoolmaster under this Act shall be not less than Fifty Pounds per Annum, payable half-yearly, Twenty-five Pounds whereof shall be paid by the Committee of Council, and the other Half thereof, together with such annual Sum as shall be equal to Three Pounds Five Shillings per Centum per Annum upon the Amount expended by the Committee of Council, as certified by the Secretary, in Terms of this Act, on the Schoolhouse, Schoolmaster's House and Garden, and Accommodations connected therewith, shall be assessed upon the Ratepayers of the Parish in which such Public School is situated, in Terms of this Act: Provided that such annual Assessment for Buildings shall be levied annually in each of Twenty-two Years immediately following the Date of such Certificate, but no longer, and the same shall be paid annually to the Queen's and Lord Treasurer's Remembrancer in Exchequer in Scotland.

Public Schoolmaster to produce Certificates, and pass Examination.

XXVI. Every Candidate for the Office of Schoolmaster in any Public School shall be bound to produce the like Certificate of Religious and Moral Character as that provided in regard to Parochial Schoolmasters, and shall be subjected to such Examination by the Inspector of the District as may be prescribed by the Board; and no Person shall be inducted as such Schoolmaster until he shall have passed such Examination before the Inspector, and have obtained and produced to the School Committee a Certificate by the Board, approving of his Appointment, proceeding upon a Report by such Inspector; and every Member of such School Committee shall have the like Powers as are herein-before conferred on the Minister and Heritors in relation to the Examination of Parochial Schoolmasters.

Religious Instruction to be given in Parochial and Public Schools.

XXVII. Every School Committee under this Act shall appoint certain stated Hours for ordinary Religious Instruction by the Master, at which Children shall not be bound to attend, if their Parents or Guardians object.

Parents of Children attending Public School may visit it.

XXVIII. All Parents and Guardians of Scholars attending any Parochial or Public School shall be entitled to visit such School, at such Hours and under such Rules and Regulations as may from Time to Time be prescribed by the Inspector of the District.

Retiring Allowances to Public Schoolmasters.

XXIX. The Board and every School Committee under this Act respectively, with the Consent and Approbation of the Committee of Council, shall have such and all the like Powers of requiring or allowing any Public Schoolmaster to retire, in respect of his being unfit for the due Discharge of his Duties, and of granting him a retiring Allowance, payable as herein-before mentioned, as are by this Act conferred upon the Heritors and the Board respectively with regard to Parochial Schoolmasters.

School Committee may appoint Female Assistant.

XXX. It shall be lawful for any School Committee under this Act to apply to the Board for Authority to appoint a Female Assistant; and on such Authority being granted the School Committee may proceed to appoint such Assistant, in the same Manner as is herein provided respecting Schoolmasters; and it shall be lawful for the School Committee, with the Sanction of the Board, to make such Regulations for the separate Instruction of the Male and Female Scholars as they shall deem expedient; and the Salary of such Female Assistant shall not amount to more than Twenty-five Pounds per Annum, and shall be paid by the Ratepayers as above provided.

XXXI. It

Board may dismiss Public Schoolmaster.

XXXI. It shall be competent for the Board, when they see Reason, to dismiss any Parochial or Public Schoolmaster appointed under this Act, after due Inquiry, and Consideration of any Statement which such Schoolmaster may make in his Defence.

Powers and Duties of School Committees.

XXXII. The Election of the Schoolmaster, and the Regulation of all Matters pertaining to the general Management of the School, shall be vested in the School Committee: Provided that if it shall be reported to the Board by the Inspector of the District that in any School the Provisions of this Act are not faithfully carried out, it shall be in their Power to appoint a special Examination of such School, and to give such Orders thereon as they may think proper.

Procedure at Meetings of School Committee.

XXXIII. Any Three Members of a School Committee, not being a Town Council, may convene a Meeting of such Committee by Circular Letter addressed to the Members thereof; and each Member of such Committee present at any Meeting thereof shall be entitled to a Vote, and the Majority of Votes shall regulate; and Three Members of a School Committee shall constitute a Quorum, and be entitled to exercise all the Powers conferred on such Committee by this Act.

Meetings of Ratepayers.

XXXIV. In every Parish, other than a Burgh, where the Ratepayers shall be assessed under this Act, a Meeting of Ratepayers shall be held annually upon some Day in the Month of January in each Year, and at such Time and Place as may be fixed by the Sheriff of the County, who shall annually give such public Notice of such Meeting as he may think fit; and Meetings of Ratepayers under this Act may be called from Time to Time, with public Notice as aforesaid, by the Sheriff of the County, on the Requisition of the Inspector of the District, or of any Two or more Ratepayers of the Parish, and may be held at such Place as may be mentioned in such Notice, and at such Time as may be appointed therein, not being less than Two nor more than Four Weeks from the Date of such Notice; and every such Meeting of Ratepayers may adjourn from Time to Time; and at all Meetings of Ratepayers under this Act each Ratepayer present at such Meeting shall be entitled to vote; and every such Meeting may elect a Preses, who shall be entitled both to a deliberative and a casting Vote, and may also elect a Clerk; and every such Election of Preses or Clerk, and every Act or Resolution of such Meeting of Ratepayers, shall be carried or otherwise disposed of according to the Majority of the Votes of the Ratepayers present thereat.

Unions of Parishes, &c. for the Purposes of this Act may be effected.

XXXV. Where the School Committee of any Parish or Burgh, or where there is no School Committee a Meeting of the Ratepayers of any Parish, shall be of opinion that a Union of such Parish or Burgh

Burgh with any One or more adjoining Parishes or Burghs, for the Purposes of this Act, would be advantageous, it shall be competent for such School Committee or Meeting of Ratepayers, and also for the School Committee, or where there is no School Committee the Ratepayers of such adjoining Parish or Burgh, to pass Resolutions to that Effect, and also to agree upon the Terms on which such Union may be effected, whether as regards the joint Provision of a common School or Schools, the Proportions in which the necessary Funds are to be raised by the Parties to such Agreement, the Formation of a joint School Committee, or any other Matters which may be made the Subject of such Agreement; and if upon such Resolutions and proposed Terms of Agreement being submitted to the Board they shall approve of the same, and the same shall also be approved of by the Committee of Council, such Resolution and Agreement shall be effectual to bind the Parishes and Burghs who may be Parties thereto, and such Union shall take place in the Terms and to the Effect specified in such Agreement, and so sanctioned accordingly: Provided that it shall be lawful for the Sheriff, on an Application being presented to him, with Concurrence of the Inspector of the District, by any Meeting of Ratepayers as aforesaid, or by any Heritor or Heritors desirous of having a new School Division erected which shall include Land belonging to them, to erect such Portion of a Parish or such Portions of Two or more adjoining Parishes, as he may think fit, into a separate School Division, which shall thenceforward be deemed, with reference to Schools and for the Purposes of this Act, a distinct and separate Parish, the Heritors and Ratepayers of which shall be free from all Burdens and Payments in respect of Schools and Schoolmasters in the Parishes from which such Portion or Portions have been so separated, and shall be liable only in the Burdens, Obligations, and Payments imposed by this Act in regard to Schools and Schoolmasters in such School Division; and the Sheriff shall, on erecting any such School Division, appoint the Ratepayers thereof to meet at such Time and Place as he shall fix, and shall give Notice of such appointed Meeting in such Manner as he shall deem necessary and proper, and the Ratepayers then and there assembling shall, for the Establishment and Support of a Public School in such Division, assess the whole Ratepayers thereof at the Rate and in the Manner provided in the Nineteenth Section of this Act for the Assessment thereby authorized to be imposed: Provided also, that where a Side School has been previously erected in any such Portion of a Parish, if the Teacher thereof shall not be elected to be the Schoolmaster of the Public School to be established in such newly erected Division, the Ratepayers shall provide for him such yearly Allowance as may be fixed by the Board, not exceeding the Salary payable to him prior to the passing of this Act, where the Application for the

Erection

Erection of the new School Division shall have been made within a Year of the passing thereof, or otherwise not exceeding his Salary under this Act, but subject to such Conditions as the Board may prescribe.

Assessments upon Heritors, how to be levied.

XXXVI. All Assessments authorized or directed by this Act to be assessed upon Heritors shall be laid on, levied, and collected from the like Parties, and in the same Way and Manner, and with the like Relief, as any Salary payable to any Parochial Schoolmaster under the recited Act of the Scottish Parliament passed in the Year One thousand six hundred and ninety-six, and the recited Act of the Forty-third Year of the Reign of King George the Third; and the full Year's Assessment first payable under this Act, in so far as the Heritors are made liable therefor, and in so far as the same may remain unpaid, shall be payable at the Term of Martinmas One thousand eight hundred and fifty-five, and the same shall thereafter be payable as heretofore at Whitsunday and Martinmas, and in so far as regards the Proportion payable by the Committee of Council, the same shall be paid as the said Committee shall direct.

Assessments upon Ratepayers, how to be levied.

XXXVII. All Assessments authorized or directed by this Act to be assessed upon Ratepayers shall be laid on and collected from the Ratepayers of the Parish, Burgh, or District to which such Assessment applies, by such Officer as the School Committee may appoint, according to the annual Value of Lands and Heritages within the same, as appearing on the Valuation Books of the County or Burgh in which the same may be situated; and One Half of such Assessment shall be levied from the Proprietor, and the other Half from the Occupant of such Lands and Heritages; and all such Assessments may include the Cost of Collection; and where an Assessment shall be authorized or directed by this Act to be assessed upon the Ratepayers in a Parish partly landward and partly burghal, the Sheriff of the County within which such Parish is situated shall, upon a summary Petition by any Heritor of such Parish, or by the Chief or Senior Magistrate of the Burgh which or Part of which is included therein, or by any Two or more Ratepayers in such Parish, fix and determine what Proportion of such Assessment under this Act shall be annually levied upon the Landward District, and what Proportion from the Burghal District of such Parish, and shall pronounce an Interlocutor or Order upon such summary Petition accordingly, and such Interlocutor or Order shall be final and conclusive for all Time thereafter, and shall not be liable to Appeal or Review in any Form or by any Process whatsoever: Provided always, that any Heritor qualified in Terms of the said recited Act of the Forty-third Year of King George the Third, and entitled to be present and vote at any Meeting held under Authority of this Act, may attend

and vote, either personally or by a Representative authorized by a Letter or Writing under his Hand, and when so represented he shall be held to be a Member present in the Sense of this Act.

The Board may aid Industrial and Reformatory Schools.

XXXVIII. It shall be lawful for the Board, under Regulations to be approved of by the Committee of Council, and out of the Funds to be raised from Time to Time by general Assessment, in Terms of this Act, to institute or to aid, as the Board shall think fit, and to such Extent in each Case as they may deem proper, Industrial and Reformatory Schools in Scotland: Provided always, that it shall not be necessary for any Industrial or Reformatory School in Scotland, in order to obtain the Sanction of the Secretary of State, under an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled "An Act to render Reformatory and "Industrial Schools in Scotland more available for the Benefit of "Vagrant Children," to provide Accommodation within the Premises of such School for the Lodging and Residence of such Vagrant Children; provided also, that the Rules of such School are otherwise satisfactory as provided by the said Act; and so much of the said Act as restricts the Power of the Sheriff to transmit Vagrant Children to such Schools to Schools within his Jurisdiction is hereby repealed.

Board to make up annual Estimate of what is requisite for such Purposes, and Estimate to be laid before Parliament.

XXXIX. On or before the Fifteenth Day of February in the Year One thousand eight hundred and fifty-seven, and on or before the like Period in every succeeding Year, the Board shall make and transmit to the Committee of Council an Estimate of the Sums which they consider will be requisite during the then current Year, that is to say, from the First Day of January preceding to the Thirty-first Day of December following, for such Purposes, and which they are to raise by such general Assessment (stating the Rate per Pound to be assessed) in Terms of this Act; and such Estimate shall form Part of the annual Report herein directed to be transmitted by the Board to the Committee of Council, and to be laid before Parliament, and shall set forth in a separate and distinct Manner the particular Purposes for which the Sums therein contained are required; and such Estimate shall not be acted on as herein-after provided until the Expiration of One Month after the same shall have been laid before Parliament.

Amount of such Estimate, not exceeding $\frac{1}{2}d.$ per Pound, may be raised by general Assessment.

XL. After the Expiration of One Month from the Date of such annual Estimate and Report by the Board being laid before Parliament, and after the Approval of One of Her Majesty's Principal Secretaries of State shall have been signified thereto, and on or before the Fifteenth Day of April in each Year, the Board shall give Notice by Advertisement in the "Edinburgh Gazette" that an Assessment at the Rate

Rate therein specified, not being more than the Rate specified in such Estimate, and not exceeding in any One Year One Halfpenny per Pound of the Real Rent or annual Value of the Property liable to Assessment under this Act, is to be laid on and levied from the Ratepayers under this Act, for Industrial and Reformatory Schools; and it shall be the Duty of the Convener of the Commissioners of Supply of each County, and of the Chief Magistrate or Administrator of the Affairs of each Burgh in Scotland, to take notice of such Advertisements, and to lay on and collect, or direct and cause to be laid on and collected, from the Ratepayers within his County or Burgh respectively, an Assessment in Terms of this Act, at the Rate specified in such Advertisement as aforesaid; and the said Conveners of Counties and Chief Magistrates of Burghs respectively, or their Collectors, shall remit through One of the incorporated Banks in Scotland the Proceeds of such Assessment to the Board within Eight Months after Notice in the "Gazette" as aforesaid, with Interest thereon at the Rate of Five Pounds per Centum per Annum from the Expiration of the said Eight Months till paid; and the Monies so paid into Bank shall be placed to the Credit of an Account to be opened in the Name of the Board, which Account may be operated upon by Drafts signed by the Chairman and Two other Members of the Board, and the Secretary, or, failing the Chairman or Secretary from unavoidable Absence, by the Chairman or Secretary and Four Members of the Board; and the said Monies shall be applied by the Board in Terms of this Act.

The Board may hold Property, and sue and be sued.

XLI. The Board may acquire and hold Heritable and Moveable Property, and all Titles, Securities, and other Writings taken for the same may be taken by the said Board by the Name and Designation of "The Board of Education in Scotland," without further Description, or to or in Name of the Secretary for the Time being; and all such Property, being so taken and vested, shall be deemed to be held for the Use of the Board for the Time being, for the Purposes of this Act, and shall pass and be transmitted to the said Board, and to the Secretary for the Time being, without the Necessity of any further Conveyance, and the Board are also authorized to institute, defend, or enter into Actions, References to Arbitration, or other such Proceedings which they may find necessary in the Course of the Execution of this Act, in the Name of the Board or of the Secretary for the Time being, and no Proceedings shall be discontinued or abated by any Vacancy in the said Office of Secretary, but the same may be proceeded in to all Intents and Purposes in the Name of the Board or of the Secretary commencing the same, or his Successor, and all Minutes of the Board, signed by the Chairman on behalf of the Board, and all Copies of such Minutes, certified as such by the

Secretary, shall be deemed to be probative, and all Deeds and Writings whatever executed by the Chairman and Secretary, and Two or more ordinary Members of the Board, as acting on its Behalf, shall be deemed to be well executed by the Board.

Heirs of Entail and others may convey Property to the Board.

XLII. It shall be lawful for any Corporate Body, Heir of Entail, Tutor, Trustee, or any other Person, although under any legal Disability or Incapacity, who shall be vested and seised in or possessed of any Lands, Houses, or other Heritages which the Board may be desirous to purchase or acquire for the Purposes of this Act, to sell dispone, and convey the same to the Board, for such fair and adequate Price as shall be agreed upon; and all such Conveyances, and the Titles to be made up thereupon in favour of the Board or the Secretary, shall be in common Form, and shall be valid and effectual; and all Corporate Bodies, Heirs of Entail, Tutors, Trustees, and other Persons so conveying are hereby indemnified for and in respect of such Conveyance which they or any of them shall make in pursuance of this Act.

Application of Prices of Property so conveyed.

XLIII. If any Price agreed to be paid for any such Lands, Houses, or Heritages, to or on behalf of any Corporate Body, Heir of Entail, Pupil, or other Person under Disability or Incapacity, shall exceed the Sum of Two hundred Pounds, the same shall be paid into One of the incorporated Banks of Scotland, to an Account in the Names of Two Persons, one to be named by the Board, and the other by the Person making the Conveyance to the Board; and such Price shall be applied, under the Direction of either Division of the Court of Session, obtained in a summary Petition by such Two Persons to the said Court, in the Purchase of Land Tax, or towards Discharge of Debt or other Incumbrance, or in the Purchase of Lands, Houses, or Heritages, or in such other Manner, being to the same or the like Uses and Purposes as those upon which the Property so conveyed stood settled or invested, as such Court shall direct; and if any such Price shall be less than Two hundred Pounds the same shall be paid to the Person or Persons making such Conveyance: Provided that the Board shall not be responsible for the Application of any such Price paid in Terms of this Act.

Questions as to Constitution of School Committees, &c. to be settled by Board or Committee of Council without Appeal.

XLIV. Where any Question shall arise under this Act as to the Constitution of any School Committee, or as to the Persons entitled to act as Members thereof, it shall be lawful for the Board to determine such Question absolutely, and without Appeal, after making such Inquiry as to the Board may seem fit; and where any Question shall arise under this Act as to the Constitution of the Board, or as to the Persons, other than those to be appointed by Her Majesty, Her Heirs and Successors, entitled to act as Members thereof, it shall be lawful

lawful for the Committee of Council to determine such Question absolutely, and without Appeal, after making such Inquiry as to the Committee of Council may seem fit; and all Acts of any School Committee, being de facto in the Exercise of the Functions of such School Committee, shall, if otherwise lawful under this Act, be good and valid, notwithstanding any such Defect as aforesaid, unless in so far as such Acts shall be expressly declared by the Board to be null and void in respect of such Defect, and all Acts of the Board de facto acting for the Time shall, if otherwise lawful under this Act, be good and valid, notwithstanding any such Defect as aforesaid, unless in so far as such Acts shall be expressly declared by the Committee of Council to be null and void in respect of such Defect.

Committee of Council may make Alterations in existing Privy Council Minutes.

XLV. It shall be lawful for the Committee of Council to alter or modify, in so far as they may consider it to be proper with reference to the Provisions of this Act, any existing Minutes of Her Majesty's Most Honourable Privy Council in regard to Education; but such Minutes, unless in so far as so altered or modified, shall be in no way affected by the passing of this Act.

Annual Estimate of Sums required by them for Purposes of this Act to be made up by Committee of Council, and laid before Parliament.

XLVI. On or before the Twentieth Day of February in the Year One thousand eight hundred and fifty-six, and on or before the like Period in every succeeding Year, the Committee of Council shall make, and transmit to One of Her Majesty's Principal Secretaries of State, an Estimate of the Sums which they shall require in the Execution of this Act during the Period from the First Day of January to the Thirty-first Day of December of the then current Year; and such Estimate shall set forth in a separate and distinct Manner the Purposes for which the Sums therein contained shall be required, and shall distinguish the Expenses applicable to each County, and to each Burgh, and to each Parish of a County respectively; and such Estimate shall by such Secretary of State be laid before both Houses of Parliament, and shall not be acted upon until the Expiration of One Month after the same shall have been so laid before Parliament.

Interpretation Clause.

XLVII. In this Act, where there is nothing in the Context repugnant to such Construction, the following Words and Expressions shall be construed as follows; (that is to say,) the Word "Parish" shall include a District or Division of a Parish in which a School has been or may be founded or endowed under the Authority of the recited Act of the First and Second Year of the Reign of Her present Majesty, and any School Division which may be erected under the Provisions of this Act; the Expression "Parish School," where the Context is not repugnant thereto, shall include a School founded or endowed or to be founded or endowed under the

Authority of the recited Act of the First and Second Year of the Reign of Her present Majesty, as well as a Parish or Parochial School within the Meaning of the said recited Act of the Forty-third Year of the Reign of King George the Third; the Expression "Parochial Schoolmaster" shall mean a Schoolmaster elected or inducted to a Parish School; the Expression "Public School" shall mean a School founded or endowed under the Authority of this Act; the Expression "Public Schoolmaster" shall mean a Schoolmaster or Female Assistant elected or inducted to a Public School; the Expression "Burgh School" shall mean a School under the Control of the Town Council as such, and to which the Town Council contributes or is entitled to contribute out of the Common Funds of the Burgh; the Word "Ratepayer" shall mean an Owner or Occupant of Lands and Heritages; the Word "Heritor" shall mean a Person possessed of the Qualification prescribed by the recited Act of the Forty-third Year of the Reign of King George the Third, and shall include an elected Heritor under this Act; the Word "Inspector" shall mean an Inspector of Schools in Scotland under this Act; the Expression "the Board" shall mean "The Board of Education in Scotland" established by this Act; the Expression "the Chairman" shall mean the Chairman of the Board; the Expression "the Secretary" shall mean the Secretary of the Board; the Expression "the Committee of Council" shall mean the Committee of Her Majesty's Most Honourable Privy Council on Education; the Word "Sheriff" shall include Sheriff Substitute; the Word "Burgh" shall mean any Royal Burgh or any Burgh which sends or contributes to send a Member or Members to Parliament under an Act passed in the Second and Third Year of the Reign of His late Majesty, intituled "An Act to amend the Representation of the People in Scotland," or any Burgh having a Magistracy popularly elected; and the Words "Town Council" shall include the Provost, Magistrates, and Town Council of any Burgh.

Recited Acts, &c. repealed, in so far as inconsistent with this Act.

XLVIII. The recited Acts, and all Laws, Statutes, and Usages now in force respecting Schools and Schoolmasters in Scotland, shall be and the same are hereby repealed, in so far as necessary to give full Effect to the Provisions of this Act, but no further or otherwise.

Education.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

To provide for the Education of the People in Scotland.

(Prepared and brought in by
The Lord Advocate, Viscount Palmerston,
and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed.*
2 *July* 1855.

[Bill 211.]

Under 2 oz.

17 *April* 1855. 18 Vict.

A

BILL

TO

Provide for the Education of Pauper Children.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS it is expedient that Means should be taken to provide Education for the young Children of poor Persons who are relieved out of the Workhouse: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Guardians of any Union or any Parish wherein the Relief to the Poor is administered by a Board of Guardians may, if they deem proper, grant Relief for the Purpose of enabling any poor Person lawfully relieved out of the Workhouse to provide Education for any Child of such Person between the Ages of *Four* and *Sixteen* in any School to be approved of by the said Guardians, which shall be open to the Inspection of an Inspector of Schools appointed by Her Majesty or Her Successors, for such Time and under such Conditions as the said Guardians shall see fit.

Guardians of the Poor may grant Relief to enable poor Persons receiving Relief out of the Workhouse to provide Education for Children between the Ages of Four and Sixteen.

II. Provided, That the Poor Law Board may at any Time issue their Order to regulate the Proceedings of the Guardians with reference to the Mode, Time, or Place in or at which such Relief shall be given or such Education received.

Poor Law Board may issue Orders to regulate Proceedings of Guardians.

III. Pro-

Such Education not to be a Condition of Relief.

III. Provided also, That it shall not be lawful for the Guardians to impose as a Condition of Relief, that such Education shall be given to any Child of the Person requiring Relief.

Guardians not to compel Attendance at any School to which Parents object.

IV. The Guardians shall not require that such Child shall attend any School to which the Parent having the Custody thereof shall object.

Cost of Relief to be charged to the same Account as the other Relief.

V. The Cost of the Relief so given for the Education of any such Child shall be charged to the same Account as the other Relief granted by the said Guardians to the same poor Person, and may be given by the said Guardians, and recovered by them as a Loan, under the same Circumstances and in like Manner as such other Relief.

Interpretation.

VI. The Words used in this Act shall be construed in like Manner as the Words contained in the Act of the Fifth of William the Fourth, Chapter Seventy-six, and the several Acts incorporated therewith.

Education of Pauper Children.

A

B I L L

To provide for the Education of Pauper Children.

(*Prepared and brought in by Mr. Evelyn Denison, Mr. Labouchere, and Mr. Wilson Patten.*)

Ordered, by The House of Commons, *to be Printed*, 17 *April* 1855.

[Bill 81.]

Under 1 *oz.*

27 *June* 1855. 18 & 19 Vict.

A

BILL

TO

Facilitate Inquiries of Commissioners of Endowed Schools in Ireland.

WHEREAS Her Majesty has been graciously pleased, on the Address of the Commons in Parliament assembled, to issue Her Majesty's Commission, dated the Fourteenth Day of November in the Eighteenth Year of Her Majesty's Reign, to Charles William Fitzgerald, Esquire, (commonly called Marquis of Kildare,) Charles Graves, Doctor of Divinity, Robert Andrews, Doctor of Laws, One of Her Majesty's Counsel learned in the Law, Henry George Hughes, Esquire, One of Her Majesty's Counsel learned in the Law, and Archibald John Stephens, Esquire, Barrister-at-Law, and thereby authorized and appointed them Her Majesty's Commissioners to inquire into the Endowments, Funds, and actual Condition of all Schools endowed for the Purposes of Education in Ireland, and the Nature and Extent of the Instruction given in such Schools, and to report their Opinions thereon; and for the Assistance of the said Commissioners, William Neilson Handcock, Esquire, was appointed Secretary to the said Commission: And whereas Difficulties have been encountered in the Prosecution of the said Inquiries, and it is expedient that the said Commissioners should have Authority conferred upon them, as herein-after expressed, to carry out the Objects of the said Commission, and that One or more Assistant Commis- Preamble.

Commissioners should be appointed to act under the said Commissioners and in their Aid : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same :

Glossary.

I. In the Construction of this Act the following Words and Expressions shall, if not inconsistent with the Context, have the Meaning herein-after assigned to them ; (that is to say,)

The Word "Commissioners" shall mean the said Commissioners named in the said Commission, or any Three of them ;

"Endowed Schools" or "Schools" shall mean and include all Schools of Royal Foundation in Ireland, the Schools on the Foundation of Erasmus Smith, the Charter Schools and Diocesan Schools, and all Schools endowed on charitable or public Foundations in Ireland ;

"Endowments" shall mean and include the Estates, Lands, Funds, and annual or other Income given, granted, or applied for the Establishment or Support of such Schools, or for the Purposes of Education therein ;

And "Lord Lieutenant" shall mean the Chief Governor or Chief Governors of Ireland for the Time being.

Commissioners to meet for Purposes herein.
28 G. 3. c. 15.
30 G. 3. c. 24.
31 G. 3. c. 41.
46 G. 3. c. 122.
To inquire into the Endowments and State of all Schools, &c.

II. The Commissioners, so soon as conveniently may be, shall meet from Time to Time at some convenient Place, and examine and inquire into the State, Condition, and Management of all endowed Schools in Ireland, and the Nature and Extent of the Instruction given therein, and also into the Nature, Amount, and annual or other Value of the Endowments of such Schools respectively, and the annual Income derived from such Endowments, and how the same has been applied, and into such other Matters connected with such Schools, and the System of Education pursued therein, as to the Commissioners shall seem expedient.

Power of Commissioners to repair to Schools, and call for Documents.

III. The Commissioners, or any One or more of them, may repair to any School or to any other Place, and there to summon and examine, on Oath or otherwise, all and every Person or Persons touching any Matters which they are empowered or directed by this Act to examine or inquire into, and to call for Vouchers, Books, Deeds, Evidences, Maps, and all other Documents, and to examine and inquire into all Matters which to the Commissioners shall seem necessary and proper ; and the Commissioners are hereby respectively empowered to administer an Oath to any Person who shall be so examined by or before them.

IV. If

IV. If any Person who shall be summoned to appear before the Commissioners or any One or more of them, for the Purpose of being examined, or to produce any Documents before them, shall refuse to appear or to be examined by the Commissioners or any Three of them, or shall refuse to answer such Questions as shall be propounded by the Commissioners, or any of them, touching any Matter or Thing which they are empowered or directed by this Act to examine into, or shall refuse or neglect to attend before such Commissioners from Day to Day, when required so to do, or to produce such Records, Deeds, Parchments, Books, Papers, or Writings, or any of them, without good and sufficient Cause, to be allowed by the Commissioners, every such Person shall forfeit the Sum of *Twenty Pounds* for every such Refusal, Neglect, or Omission, to be recovered by Action in any of Her Majesty's Courts of Record, or by Civil Bill in the Court of any Assistant Barrister, by any Person who shall sue for the same.

28 G. 3. c. 15. Persons refusing to attend to forfeit 20*l.*

V. The Commissioners may from Time to Time, as often as they shall think proper, and as often as they shall be required so to do by the Lord Lieutenant, make a Report in Writing under their Hands and Seals, or the Hands and Seals of any Three of them, to Her Majesty of all Matters arising upon such Examinations and Inquiries which shall appear to the Commissioners necessary or proper so to be reported, and shall in like Manner report and suggest to Her Majesty such Plans for the Improvement of Education in such Schools, and for the better regulating, managing, and governing such Schools, and for the general Promotion, in connexion with said Schools, of Academic Education in Ireland, as shall appear to the Commissioners to be expedient and practicable.

Commissioners to make Report; 28 G. 3. c. 15.

and suggest Plans of Improvements.

VI. The Lord Lieutenant may, on the Requisition of the Commissioners, appoint One or more but not exceeding *Three* Assistants to the Commissioners, to be called Assistant Commissioners; and the Commissioners may from Time to Time remove such Assistant Commissioners, and the Lord Lieutenant may, on the Requisition of the Commissioners, appoint others in their Place; and the Remuneration to be paid to such Assistant Commissioners, in addition to their Travelling Expenses, shall be such Sum as the Commissioners of Her Majesty's Treasury shall appoint, not exceeding the Sum of *Two hundred Pounds* for each Assistant Commissioner, to be paid out of such Aids or Supplies as may be from Time to Time provided and appropriated by Parliament for the Purpose.

Appointment of Assistant Commissioners.

VII. It shall be the Duty of the Assistant Commissioners to act in aid of the Commissioners, and under their Directions, in execution of the Objects of this Act, and for that Purpose to visit and inspect such

Duties of Assistant Commissioners.

such of the Endowed Schools in Ireland as the Commissioners shall direct, and to examine into the Endowments and State and Condition of such Schools, and to report thereon to the Commissioners; and such Assistant Commissioners shall have and enjoy the same Rights and Powers as the Commissioners or any of them might or would have had if they had visited the Schools in Person.

This Act not to affect Powers of Commissioners.

VIII. Nothing herein contained shall be deemed to abridge, lessen, or affect the Powers of the Commissioners under and by virtue of Her Majesty's said Commission.

Endowed Schools.

(Ireland.)

A

B I L L

To facilitate Inquiries of Commissioners of Endowed Schools in Ireland.

(Prepared and brought in by Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland, and Mr. Horsman.)

Ordered, by The House of Commons, *to be Printed, 27 June* 1855.

[Bill 200.]

Under 1 *oz.*

Enlistment of Foreigners Bill.

ARRANGEMENT OF CLAUSES.

Foreigners may be enlisted, and Commissions may be granted to Foreigners; Sect. 1.

Men serving under this Act not to be employed in United Kingdom, except for being trained, &c. for Foreign Service, or for training, &c. of Recruits; Number of Men limited; 2.

Attestation on Enlistment, and Oaths; 3.

Mutiny Act and Articles of War to apply to Foreigners serving under this Act; 4.

Continuance of the Act; 5.

A

B I L L

INTITULED

An Act to permit Foreigners to be enlisted and to serve as Officers and Soldiers in Her Majesty's Forces.

WHEREAS it is expedient that Her Majesty, during the Continuance of the War, should be enabled to enlist and employ Foreigners in Her Army: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for Her Majesty to cause to be enlisted as Soldiers into Her Service Persons not being natural-born Subjects or entitled to the Privileges of natural-born Subjects of Her Majesty, who may voluntarily enter themselves for such Service, and to grant Commissions or Letters of Service to any such Persons to serve as Officers, the Persons so enlisted and commissioned to be formed into separate Regiments, Battalions, and Corps; and such Enlistment, Commission, and the Service thereunder, shall be as lawful as if such Persons were natural-born Subjects of Her Majesty. Foreigners may be enlisted, and Commissions may be granted to Foreigners, to be formed into separate Corps.

Men serving under this Act not to be employed in United Kingdom, except for being trained, &c. for Foreign Service, or for training, &c. of Recruits. Number of Men limited.

II. Provided always, That the Men serving under this Act shall not be employed in the United Kingdom except for the Purpose of being trained, arrayed, and formed into Regiments, Battalions, or Corps for Foreign Service, and except such Bodies of Reserve as may be kept in the United Kingdom for training and arraying Recruits and for supplying Vacancies in such Regiments, Battalions, or Corps; and that there shall not be within the United Kingdom more in the whole than Ten thousand Men serving under this Act at any One Time.

Attestation on Enlistment and Oath.

III. Every Person enlisted as a Soldier under the Authority of this Act shall be attested in such Manner as Her Majesty shall direct, and not otherwise; and all Officers, Non-commissioned Officers, Drummers, and Private Soldiers enlisting or commissioned under this Act shall take such Oath for their Fidelity during their Continuance in Her Majesty's Service as Her Majesty shall direct, and no other.

Mutiny Act and Articles of War to apply to Foreigners serving under this Act.

IV. Subject to the Provisions herein contained, all Officers, Non-commissioned Officers, Drummers, or Private Soldiers serving under the Provisions of this Act, shall be subject to all the Provisions contained in any Act for the Time being in force "for "punishing Mutiny and Desertion, and for the better Payment of the "Army and their Quarters," and the Articles of War made in pursuance thereof, in the same Manner to all Intents and Purposes as any of Her Majesty's Regular Forces are subject to the same.

Continuance of the Act.

V. This Act shall continue in force during the present War, and until One Year after the Ratification of a Definitive Treaty of Peace.

Enlistment of Foreigners.

A

BILL

INTITULED

An Act to permit Foreigners to be enlisted and to serve as Officers and Soldiers in Her Majesty's Forces.

(*Brought from the Lords* 18 *December* 1854.)

Ordered, by The House of Commons, *to be Printed,* 18 *December* 1854.

[Bill 4.]

Under 1 *oz.*

Episcopal and Capitular Estates Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Interpretation: "Commissioners;" "Ecclesiastical Corporation;" "Church Property;" "Estates and Revenues;" "Real Estates;" "Tithes;" "Mines;" "Bishop" and "See;" Sect. 1.

Church Estates Commissioners to be Commissioners for executing this Act; 2.

Commissioners may summon and examine Witnesses; 3.

Penalty on Persons giving false Evidence; 4.

Profits and Revenues of Episcopal and Capitular Estates to be received by Commissioners, and Management of the same vested in said Commissioners. Proviso: That Commissioners not to have any Estate in such Premises other than for the Purposes of this Act; 5.

Commissioners to keep a separate Account of Monies received in respect of each Corporation; 6.

Agreement to be entered into between Ecclesiastical Commissioners and Bishops for the Payment of Incomes; 7.

Commissioners may place Tithes in certain Cases under the Management and Control of Bishops; 8.

Existing Bishops enabled to come into Arrangements affecting future Bishops; 9.

Bishop to be allowed to take to farm Land not exceeding in whole 100 Acres; 10.

Deans and Chapters to furnish Ecclesiastical Commissioners with a Statement of Charges and Outgoings in respect of certain Payments; 11.

Deans and Chapters to furnish the Ecclesiastical Commissioners with a Return of Monies received by them from certain Sources, and Deficiency to be made good by the Commissioners; 12.

After a certain Period the Management of Real Estate may be transferred to Corporations Aggregate; 13.

Payments to be made by Commissioners charged upon the Common Fund of the Ecclesiastical Commissioners for England; 14.

Rights and Obligation of Commissioners in respect of Estates under their Management; 15.

Provision respecting Leases to be granted by any Ecclesiastical Corporation Aggregate; 16.

Power of Endowment reserved to Ecclesiastical Corporation; 17.

Powers of 14 & 15 Vict. c. 104. and 17 & 18 Vict. c. 116. transferred to Church Estates Commissioners; 18.

Deeds, Instruments, and Conveyances, how to be made; 19.

Act not to interfere with certain Parliamentary Powers of Sale and Exchange; 42 Geo. 3. c. 116., &c.; 20.

No existing Order in Council to interfere with the Provisions of this Act; 21.

Provisions to be made for Places where Tithes arise; 22.

No Palace of a Bishop or House of Residence of any Member of an Ecclesiastical Corporation to be let on Lease; 23.

Commissioners to retain or employ Officers; 24.

Compensation to Persons affected by the Provisions of this Act; 25.

Act not to interfere with Orders in Council for securing Money Payments to Chapters of York and Carlisle; 26.

Commencement of Act; 27.

SCHEDULE.

A

B I L L

TO

Make better Provision for the Management of Episcopal and Capitular Estates.

Note.—The words printed in *Italics* are proposed to be inserted in Committee.

WHEREAS the Ecclesiastical Commissioners for England, by virtue of various Acts of Parliament and Orders of Her Majesty in Council, are already invested with a considerable Control over and possessed of an Interest in the Estates and Revenues belonging to various Ecclesiastical Bodies: And whereas it is expedient that such Control, by being extended, should in every Respect be calculated to render such Estates and Revenues most productive and beneficial to the Established Church, and most conducive to the spiritual Welfare of the People, and that such Arrangement should be made as to secure annual Incomes to Archbishops and Bishops in a Manner most befitting their spiritual Character: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: That— Preamble.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them respectively, so far as such Meanings Interpretation.

ings are not excluded by the Context or by the Nature of the Subject Matter; (that is to say),

"Commissioners." The Word "Commissioners" shall mean the Church Estates Commissioners:

"Ecclesiastical Corporation." The Expression "Ecclesiastical Corporation" shall include every Archbishop, Bishop, Dean and Chapter, Dean, Archdeacon, Canon, Prebendary, and other Dignitary or Officer of any Cathedral or Collegiate Church in England or Wales, and every minor Ecclesiastical Corporation or College of Vicars in any such Cathedral or Collegiate Church, but shall not include any other College or Hospital, or any Parson, Vicar, or Perpetual Curate, or other Incumbent of any Benefice:

"Church Property." The Expression "Church Property" shall mean any Lands, Estates, or other Hereditaments of or to which any Ecclesiastical Corporation shall be seised or entitled in right of his or their See, Church, Dignity, Stall, Preferment, Office, or which shall legally or by Custom be annexed thereto respectively; also any Profits, Emoluments, or Revenues arising from such Property to which any Ecclesiastical Corporation shall be entitled in such Right as aforesaid, or which shall be payable to the Ecclesiastical Commissioners for England, either on behalf of such Ecclesiastical Corporation or in their own Behalf as part Owners thereof with any such Ecclesiastical Corporation:

"Estates and Revenues." The Expression "Estates and Revenues" shall mean the whole Amount of the Possessions, Profits, and Emoluments of any Ecclesiastical Corporation for the Time being, and which shall be Church Property within the Meaning of this Act:

"Real Estates." The Expression "Real Estates" shall mean and include all Manors, reputed Manors, Rectories, Messuages, Tenements, Tithes, Rents, Mines, Minerals, and Quarries, as well in reversion as possession, and any Leasehold Interest therein, and every individual Share thereof, and generally shall mean such and so much of Church Property within the Meaning of this Act as shall be subject to the Management and Control of the Commissioners:

"Tithes." The Word "Tithes" shall mean all Rectories Impropriate, Great and Small Tithes, or Portions of Tithes, Moduses, Compositions, and Rentcharges in lieu of Tithes, or Common or other Lands given in lieu of Tithes, which shall be Church Property within the Meaning of this Act:

"Mines." The Word "Mines" shall include all Mines and Minerals containing Metals and also all Mines of Coal which shall be Church Property within the Meaning of this Act:

"Bishop" and "See." The Word "Bishop" shall include an Archbishop, and the Word "See" shall apply as well to an Archiepiscopal as to an Episcopal See.

II. The

II. The Church Estates Commissioners for the Time being, or any Two of them, appointed under the Provisions of the Act of the Thirteenth and Fourteenth Victoria, Chapter Ninety-four, shall be Commissioners for the Execution of this Act.

Church EstatesCommissioners to be Commissioners for executing this Act.

III. The Commissioners may, by Summons under their Seal, require the Attendance of all such Officers of Ecclesiastical Corporations as they may think fit to examine upon any Matter to be inquired into by such Commissioners under this Act, and also to make any Inquiries and call for any Answer or Return from any such Ecclesiastical Corporation, or any Officer thereof, as to any such Matter, and require any such Officer to produce before such Commissioners all Rules, Regulations, Byelaws, Books, Deeds, Accounts, and Writings whatsoever of such Corporation, or Copies thereof, in anywise relating to such Matter, and may examine upon Oath all Persons who attend under such Summons, and all Persons who voluntarily attend as Witnesses, and any of the Commissioners may administer such Oath, and the Commissioners may, if they think fit, in lieu of requiring an Oath as aforesaid, require any Person to make and subscribe a Declaration of the Truth of his Examination and Evidence.

Commissioners may summon and examine Witnesses.

IV. If any Person upon any Examination under this Act shall wilfully give false Evidence he shall be deemed guilty of Perjury; and if any Person shall make or subscribe a false Declaration, he shall, on being convicted thereof, suffer the Pains and Penalties of Perjury; and if any Person shall wilfully refuse to attend in obedience to any Summons of the Commissioners, or to give Evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce before such Commissioners any such Rules, Regulations, Byelaws, Books, Deeds, and Writings, or Copies of the same, which may be so required to be produced before such Commissioners, every Person so offending shall be deemed guilty of a Misdemeanor.

Penalty on Persons giving false Evidence.

V. All the Profits, Emoluments, and Revenues which shall arise from the Real Estate belonging to or forming Part of the Endowment of any Ecclesiastical Corporation Aggregate or Sole, shall, as respects any See in which no Avoidance has happened since the *First Day of January One thousand eight hundred and forty-eight*, and the Bishop whereof does not already receive a fixed Income from the Ecclesiastical Commissioners for England, immediately from and after the *First Avoidance of such See*, and as respects all other Ecclesiastical Corporations immediately from and after the *Commencement of this Act*, be from Time to Time paid to the said Commissioners in as full and ample a Manner as such Ecclesiastical Corporation, or its Successor, as the Case may be, would if this Act had not been passed be

Profits and Revenues of Episcopal and Capitular Estates to be received by Commissioners, and Management of the same vested in said Commissioners.

entitled to receive the same, and be carried to the Common Fund of the said Ecclesiastical Commissioners, and subject to such particular Payments as are herein-after directed to be made thereout, shall be dealt with by them as a Part of such Fund for the Purposes to which the same is liable, under the Third and Fourth Victoria, Chapter One hundred and thirteen, Section Sixty-seven, and the Lands and Hereditaments yielding the same shall, except as is herein otherwise provided, remain and be under the sole Management and Control of the said Commissioners for such Purposes accordingly: Provided always, that nothing herein-before contained shall be construed to vest the Fee of such Lands and Hereditaments in the Commissioners, or to give them any further Interest in or Power over the same, except such as may be necessary for managing and disposing the same in accordance with the Provisions of this Act.

Proviso, that Commissioners not to have any Estate in such Premises other than for the Purposes of this Act.

Commissioners to keep a separate Account of Monies received in respect of each Corporation.

VI. The Commissioners shall keep a separate Account of all Monies paid and received by them in respect of the Real Estate of each Ecclesiastical Corporation, distinguishing the Corporation in respect of which the same shall be paid or received, and the Balance of all such Monies, after Payment thereout of all necessary Outgoings and Expenses connected with such Premises and of all the Costs of collecting and receiving such Sums, shall be carried to and form Part of the Common Fund of the Ecclesiastical Commissioners; and any Ecclesiastical Corporation, or any Person or Persons duly authorized on their Behalf, or any Member of any Ecclesiastical Corporation, shall be at liberty to inspect the Accounts of the Ecclesiastical Corporation of which he is a Member, and shall be at liberty to require a Copy of such Account, to be certified by the Clerk or other Person entrusted by the Commissioners with the Custody or keeping of such Accounts, upon Payment of the reasonable Expense of providing the same.

Agreement to be entered into between Ecclesiastical Commissioners and Bishops for the Payment of Incomes.

VII. So soon as the Real Estate belonging to any Bishop in right of his See becomes subject to the Management of the Church Estates Commissioners under this Act, the Ecclesiastical Commissioners for England shall enter into an Agreement with such Bishop for the Payment to him of such Sum or Sums of Money as may be necessary, in addition to those derived from any Sources of Income not hereby placed under the Control and Management of the Church Estates Commissioners, to secure to such Bishop the annual net Sum fixed by Parliament as the Income of his See; and such Agreement shall be submitted to Her Majesty in Council by a Scheme for that Purpose prepared by the Ecclesiastical Commissioners under their general Powers in that Behalf, and when such Scheme shall have been approved and ratified, such Sum or Sums shall be paid yearly and

and every Year to such Bishop by the Ecclesiastical Commissioners, and shall be payable out of and be a Charge upon their Common Fund.

Commissioners may place Tithes in certain Cases under the Management and Control of Bishops.

VIII. It shall be lawful for the Ecclesiastical Commissioners, whenever such an Arrangement can be effected, to place absolutely under the Control of, or cause to be conveyed, as the Case may be, to any Bishop, as Part of the Income of his See, any Tithes the Lease whereof may have expired or have been surrendered, whether such Tithes may have originally belonged to his See or not, and such Tithes when so conveyed shall be under the Control of such Bishop, but no new Lease of such Tithes shall in future be granted.

Existing Bishops enabled to come into Arrangements affecting future Bishops.

IX. If any Bishop of the Established Church in England or Wales, who has succeeded to his See upon an Avoidance thereof which has happened before the *First Day of January One thousand eight hundred and forty-eight* signify to the Commissioners, by Writing under his Episcopal Seal, his Desire to become subject to the Provisions of this Act in like Manner as if he had succeeded to his See upon an Avoidance thereof after the Day aforesaid, then it shall be lawful for the Commissioners, if they think fit, by an Order under their Hands, to direct that, from a Time mentioned in such Order, the Real Estate of or to which such Bishop shall be then seised or entitled in respect of his See, or which shall legally or by Custom be annexed thereto, (save and except such excepted Sources of Income as are next herein-after mentioned,) shall be under their Management, and thereupon all the Provisions herein contained shall be applicable to such Bishop, and to the Real Estate of such Bishop, and to Persons employed by him, in like Manner as if he had succeeded to his See on an Avoidance thereof after the Day aforesaid.

Bishop to be allowed to take to farm Land not exceeding in whole 100 Acres.

X. Nothing herein-before contained shall be held to apply to the Palace or usual House of Residence of any Bishop or to the Gardens or Pleasure Grounds appertaining thereto, and it shall be lawful for such Bishop to retain under his own Management any Lands, not exceeding on the whole *One hundred* Acres, lying adjacent or contiguous to such Palace or usual House of Residence, such Lands to be deemed and considered to be the Glebe or Demesne Lands belonging to the See, and to be held or occupied by the Bishop for the Time being of such See for Farming Purposes only; and so long as such Lands shall be attached to the See, and remain under the Management of the Bishop thereof, no Mines or Quarries shall be opened or worked upon the same, nor shall any Lease of the same be granted otherwise than from Year to Year and at the best Rent that can be reasonably gotten; and if it shall at any Time appear advisable to the

Commissioners that such Lands or some Part thereof should be made applicable for building, mining, or other Purposes than farming, then it shall be lawful for the Commissioners, with the Consent of the Bishop for the Time being, to take such Lands, or such Part thereof, under their own Management, for such Purposes, and shall substitute in place thereof other Lands equal in Extent to the whole or the Part so taken away, to be held and enjoyed by the Bishop of such See in manner aforesaid; and nothing herein contained shall give the Commissioners any Power or Control over the House or Houses of Residence occupied by the Dean or any other Member of an Ecclesiastical Corporation Aggregate, or their Appurtenances, or over any Lands or Tenements included in and generally known by the Name of "Cathedral Precincts."

Deans and Chapters to furnish Ecclesiastical Commissioners with a Statement of Charges and Outgoings in respect of certain Payments.

XI. The Dean and Chapter of every Cathedral and Collegiate Church shall furnish the Ecclesiastical Commissioners for England with a Statement of such annual or other Sums of Money as may be necessary to provide for the Payment of the several Charges and Outgoings specified in the Schedule hereto, calculated upon an Average of the annual Expenditure made by such Dean and Chapter in respect of such Charges and Outgoings during the *Seven* Years immediately preceding the passing of this Act; such Statement shall be certified by the Visitor of the Cathedral or Collegiate Church in each Case respectively, and when such Statement has been established to the Satisfaction of the Ecclesiastical Commissioners, Provision shall be made for the Payment of such Sum or Sums in manner herein-after mentioned; the Payment of such annual or other Sums of Money shall be subject nevertheless to any Alteration made therein at any Time by any Act of Parliament or Order in Council regulating the Incomes of Members of Chapters, or other Charges or Payments incidental to the Maintenance of Cathedral and Collegiate Churches.

Deans and Chapters to furnish the Ecclesiastical Commissioners with a Return of Monies received by them from certain Sources, and Deficiency to be made good by the Commissioners.

XII. The Dean and Chapter of every Cathedral and Collegiate Church shall make a full and accurate Return to the Ecclesiastical Commissioners for England of all Monies which shall yearly be received by or accrue to them in respect of any Sources of Income not hereby placed under the Management and Control of the Church Estates Commissioners, and such Sums so accruing shall be applied by such Dean and Chapter towards discharging the several Charges and Outgoings enumerated in the Schedule hereto, and the Deficiency, if any, shall be made up and paid by the Ecclesiastical Commissioners to such Dean and Chapter out of and be a Charge upon their Common Fund until such Time as the Management and Control of a Real Estate adequate for the entire Payment of such Charges

Charges shall have been transferred to such Dean and Chapter in manner herein-after provided.

After a certain Period the Management of Real Estate may be transferred to Corporations Aggregate.

XIII. The Ecclesiastical Commissioners after the Expiration of *Three* Years from the passing of this Act shall, if required so to do by the Dean and Chapter of any Ecclesiastical Corporation Aggregate in Writing under their Corporate Seal, take Measures for placing under the sole Control and Management of such Corporation such Portion of Real Estate consisting of Lands, Houses, or Tithes, as shall yield a net annual Income, after deducting Rates, Taxes, and other Outgoings, including Costs of Management, sufficient to pay and discharge such Outgoings and Charges as are specified in the Schedule hereto, according as such Outgoings or Charges shall be either wholly or in part allowed or authorized by any Act of Parliament or Order in Council then in force, or, in default thereof, according to the Scale and Proportions theretofore settled, and which had been adopted by the Ecclesiastical Commissioners in making the annual Payments in respect of such Outgoings or Charges herein-before authorized, and the Surplus, if any, of the Real Estate of such Corporation which shall remain under the Management of the Church Estates Commissioners, shall therein-after vest absolutely in the Ecclesiastical Commissioners for England, freed and discharged of all Rights, Powers, and Authorities of any such Ecclesiastical Corporation in relation thereto, without any Conveyance or Assurance in Law other than the passing of this Act, and the Profits and Emoluments thereof shall be carried by them to, and form Part of, and be applicable for the Purposes of their Common Fund.

Payments to be made by Commissioners charged upon the Common Fund of the Ecclesiastical Commissioners for England.

XIV. All and every Sum or Sums which by this Act are made payable by the Commissioners to any Ecclesiastical Corporation, or to any Member of any Ecclesiastical Corporation, shall be held to be a Charge upon the Common Fund of the Ecclesiastical Commissioners for England, and shall have Priority over all other Payments to be made thereout, anything contained in any other Act of Parliament to the contrary notwithstanding.

Rights and Obligation of Commissioners in respect of Estates under their Management.

XV. The Commissioners shall, in relation to the Lands and Hereditaments of any Ecclesiastical Corporation which for the Time being shall be under their Management as aforesaid, have and exercise all Powers, Authorities, and Discretion which would if this Act had not been passed be vested in or might be exercised by such Corporation, either with or without the Consent or Approval of the Commissioners, as incident to the Ownership, Right, or Title to such Lands and Hereditaments, or otherwise in respect thereof, in case the Management thereof had not been transferred to the Commissioners, and shall

be subject to the same Obligations in respect of such Lands and Hereditaments as such Corporation would have been subject to; and no Consent or Approval of any Ecclesiastical Corporation or any Member of any Ecclesiastical Corporation shall be necessary for the Validity of any Deed or Thing to be executed or done by the Commissioners with respect to the Lands and Hereditaments belonging to such Corporation.

Provision respecting Leases to be granted by any Ecclesiastical Corporation Aggregate.

XVI. No Lease of any Portion of the Real Estate belonging to any Ecclesiastical Corporation shall without the Consent of the Commissioners be granted by such Corporation otherwise than from Year to Year, or for a Term of Years in Possession not exceeding *Twenty-one* Years, at the best Rent that can be reasonably gotten for the same, without Fine, Premium, or Foregift, the Lessee not to be made dispunishable for Waste or exempted from Liability in respect of Waste; and previously to the granting of any such Lease by any Ecclesiastical Corporation it shall be lawful for the Commissioners to require a Copy of proposed Lease to be submitted to them, and shall notify to such Corporation their Objections (if any) to the Terms or Covenants therein contained, together with any Alterations which they may deem expedient to be made therein; and in the event of such Corporation refusing or omitting to allow or adopt such Objections or Alterations the Matter shall be referred to Arbitrators to be chosen by the Commissioners and such Corporation respectively, and the Decision of such Arbitrators, or of an Umpire appointed by them in case of Disagreement, shall be given within *Three* Months from the Time of such Reference, and shall be final with respect to the Matters at issue.

Power of Endowment reserved to Ecclesiastical Corporation.

XVII. Any Ecclesiastical Corporation Aggregate or Sole shall, with the Consent of the Commissioners, be at liberty to apply any Part of the Estates and Revenues belonging to or forming the Endowment or Part of the Endowment of such Corporation in or towards the Augmentation of any Benefice the Tithes belonging to which are vested in such Corporation, or otherwise towards making a permanent Provision for the spiritual Wants of any Place, Parish, or District in which the Estates and Revenues of such Corporation may be situate or arise.

Powers of 14 & 15 Vict. c. 104. and 17 & 18 Vict. c. 116. transferred to Church Estates Commissioners.

XVIII. All the Powers which by an Act passed in the Fourteenth and Fifteenth Years of Her Majesty's Reign, Chapter One hundred and four, and by another Act passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter One hundred and sixteen, may be exercised by any Ecclesiastical Corporation, with the Consent of the Church Estates Commissioners, with respect to the Property of such Corporation held under Lease, shall, when the Real Estate

Estate of such Corporation is by this Act brought under the Management of the Commissioners, be exercised and be continued to be exercised by them solely with respect to such Real Estate, without the Consent of such Corporation being requisite thereto, subject, nevertheless, to all such and the like Provisoes, Restrictions, Conditions, and Limitations as are in the said Act contained, anything in the said Act to the contrary notwithstanding.

Deeds, Instruments, and Conveyances, how to be made.

XIX. All Deeds, Instruments, and Writings which if the Estates and Revenues to which they relate were not under the Management of the Commissioners would require to be sealed by any Bishop under his Episcopal Seal, or by the Corporate Seal of any Ecclesiastical Corporation Aggregate, shall, so long as such Estates and Revenues are under the Management of the Commissioners, be sealed with their Corporate Seal, and be expressed to be made by them on behalf of such Bishop or such Corporation, and shall be valid and effectual to all Intents and Purposes as if the same had been sealed by such Bishop or such Ecclesiastical Corporation Aggregate.

Act not to interfere with certain Parliamentary Powers of Sale and Exchange. 42 G. 3. c. 116. &c.

XX. Provided always, That nothing in this Act contained shall extend to prevent any Sale, Exchange, or other Disposition of Church Property which might be made for Redemption of the Land Tax under the Provisions of the Act of the Forty-second Year of George the Third, Chapter One hundred and sixteen, or any Act continuing the same, or under any of the Church Building Acts, or of the Acts passed for the Conveyance of the Sites for Schools, or under any of the Acts for enabling spiritual Persons to exchange their Parsonage Houses or Glebe Lands, or under the Act of the Fifth Year of William the Fourth, Chapter Thirty, or any Sale, Exchange, or other Disposition of Church Property which may be authorized by any Act of Parliament specially relating to the Lands thereby disposed of, nor any Act or Deed which might lawfully be done or executed by the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the poor Clergy.

No existing Order in Council to interfere with the Provisions of this Act.

XXI. Provided always, That nothing contained in any Act of Parliament now in force, or in any Order of Her Majesty in Council, shall (except as herein specially provided) in any way affect or interfere with the Operation of any Provision of this Act, with respect to the Management by the Commissioners of the Church Property belonging to any Ecclesiastical Corporation, or with respect to the Estate or Interest of the Commissioners in the same.

Provisions to be made for Places

XXII. And whereas it is enacted by the Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, that

where Tithes arise.

in any Conveyance or Assignment of Tithes by the Commissioners for the Purpose of making additional Provision for the Cure of Souls in those Parishes where such Assistance is most required due Consideration shall be had of the Wants and Circumstances of the Places in which such Tithes now arise or have heretofore arisen: And whereas it is expedient that such Provisions should be extended: Be it therefore enacted, That with respect to any Tithes, Lands, and Hereditaments now belonging to or forming Part of the Property or Endowment of any Ecclesiastical Corporation, Aggregate or Sole, in any Case wherein the Management of such Property is under the Provisions of this Act vested in the Commissioners, upon the Expiration or Surrender of any Lease under which such Tithes, Lands, and Hereditaments may now be held, such Provision or an Arrangement for such Provision shall be made for the spiritual Wants of the Places where such Tithes shall have theretofore arisen, or such Lands and Hereditaments shall be situated, as shall appear sufficient in the Judgment of the Commissioners, anything in any other Act contained to the contrary notwithstanding: And with respect to any Lands, Tithes, and Hereditaments belonging to any Ecclesiastical Corporation Aggregate which may hereafter become permanently vested in the Ecclesiastical Commissioners at the Expiration of any Lease under which the same may be held at the Time of their becoming so vested, a like Provision or an Arrangement for such Provision shall be made.

No Palace of a Bishop or House of Residence of any Member of an Ecclesiastical Corporation to be let on Lease.

XXIII. No Lease shall be granted by any Bishop or any Member of an Ecclesiastical Corporation Aggregate of the Palace or usual House of Residence belonging to such Bishop or such Member, or of any Offices, Outbuildings, Yards, Gardens, Orchards, or Pleasure Grounds to any such Palace or other House of Residence, and which may be necessary or Convenient for actual Occupation with such Palace or House of Residence, and no Grant or Lease shall be made by the Commissioners of any Mines, Minerals, Quarries, or Beds, Watercourses, Ways, or other Easements, the Grant whereof may be prejudicial to the convenient Enjoyment of any such Palace or House of Residence, or the Pleasure Grounds belonging thereto.

Commissioners to retain or employ Officers.

XXIV. It shall be lawful for the Commissioners from Time to Time either to retain or employ for the Purposes of this Act any Officers, Stewards, Clerks, and Persons heretofore employed by any Ecclesiastical Corporation in the Management, Receipt, Collection, or Auditorship of any Lands and Hereditaments of which the Management shall be by this Act vested in the Commissioners, at such Salaries or Remuneration as shall have been theretofore allowed to them by any such Corporation; and to assign such Duties to them or any of them as the Commissioners think fit, and to remove them from Time

Time to Time, or at their Discretion (but with the Consent of the Commissioners of Her Majesty's Treasury as respects any Office or Service for which the Salary or Remuneration shall exceed *One hundred Pounds* per Annum,) to appoint and from Time to Time remove such other Officers, Stewards, Clerks, and Persons as the Commissioners shall from Time to Time judge necessary to employ in or about such Management, Stewardship, Receipt, Collection, and Auditorship as aforesaid, at such Salaries and Remuneration as the Commissioners shall think fit from Time to Time (but with such Consent as aforesaid as respects any yearly Salary or Remuneration exceeding *One hundred Pounds* per Annum).

Compensation to Persons affected by the Provisions of this Act.

XXV. It shall be lawful for the Commissioners, if they shall think fit, and the Commissioners of Her Majesty's Treasury shall assent thereto (but not otherwise), to direct to be paid to any Person or Persons holding Offices which have been usually held for Life, and who may be injured by the Operation of this Act, or to any Officer, Steward, Clerk, or Person heretofore employed by any Ecclesiastical Corporation, and who shall be removed by them, such Sum of Money and at such Times and by way of Annuity or otherwise as they may think reasonable, by way of Compensation for Loss of Office or for Loss sustained by the Operation of this Act, out of the general Revenues of the Corporation in respect of which he shall have been employed: Provided always, that when such Officer, Steward, Clerk, or Person shall be placed in any other public Office of which the Salary and Emoluments are equal to or more than the whole of such Compensation, then such Compensation shall altogether cease to be paid; and where such Salary and Emoluments shall amount to Part of such Compensation then he or they shall be entitled to receive only such Compensation as shall be equal to the Difference between the full Amount thereof and the Amount of the Salary and Emoluments of the Office in which he or they may hereafter be placed.

Act not to interfere with Orders in Council for securing Money Payments to Chapters of York and Carlisle.

XXVI. Nothing contained in this Act shall be construed to interfere with the Provisions of Two Orders in Council gazetted Tenth September One thousand eight hundred and fifty-two and Seventeenth December One thousand eight hundred and fifty-two respectively, for securing Money Payments to the Dean and Chapters of York and Carlisle.

Commencement of Act.

XXVII. This Act shall take effect on and from the *First Day of January One thousand eight hundred and fifty-six.*

SCHEDULE.

The Incomes of Dignitaries and Stipends to the Officers and Bedesmen of the Cathedral or Collegiate Church, and all other Costs, Charges, and Expenses incident to the Performance of the Services thereof.

The annual Cost for the Provision and Repair of the Church Furniture.

The annual Cost and Maintenance of the Cathedral Precincts or Abbey.

Augmentations to Vicarages charged on or payable from the Cathedral Funds.

Subscriptions and Donations to Charitable Objects.

Episcopal and Capitular Estates.

A

B I L L

To make better Provision for the Management of Episcopal and Capitular Estates.

(Prepared and brought in by The Marquis of Blandford and Lord Robert Grosvenor.)

Ordered, by The House of Commons, *to be Printed,* 20 *December* 1854.

[Bill 7.] *Under 2 oz.*

Episcopal and Capitular Estates Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

Interpretation: "Commissioners;" "Ecclesiastical Corporation;" "Church Property;" "Estates and Revenues;" "Real Estates;" "Tithes;" "Mines;" "Bishop" and "See;" Sect. 1.

Estates Committee of Ecclesiastical Commission to execute Powers conferred by this Act; 2.

Commissioners may summon and examine Witnesses; 3.

Penalty on Persons giving false Evidence; 4.

Profits and Revenues of Episcopal and Capitular Estates to be received by Commissioners, and Management of the same vested in said Commissioners. Proviso: That Commissioners not to have any Estate in such Premises other than for the Purposes of this Act; 5.

Commissioners to keep a separate Account of Monies received in respect of each Corporation; 6.

Agreement to be entered into between Ecclesiastical Commissioners and Bishops for the Payment of Incomes; 7.

Commissioners may place Tithes in certain Cases under the Management and Control of Bishops; 8.

Existing Bishops enabled to come into Arrangements affecting future Bishops; 9.

Bishop to be allowed to take to farm Land not exceeding in whole 100 Acres; 10.

Deans and Chapters to furnish Ecclesiastical Commissioners with a Statement of Charges and Outgoings in respect of certain Payments; 11.

Deans and Chapters to furnish the Ecclesiastical Commissioners with a Return of Monies received by them from certain Sources, and Deficiency to be made good by the Commissioners; 12.

After a certain Period the Management of Real Estate may be transferred to Corporations Aggregate; 13.

Payments to be made by Commissioners charged upon the Common Fund of the Ecclesiastical Commissioners for England; 14

Power of Re-entry; 15.

Rights and Obligation of Commissioners in respect of Estates under their Management; 16.

Provision respecting Leases to be granted by any Ecclesiastical Corporation Aggregate; 17.

Power of Endowment reserved to Ecclesiastical Corporation; 18.

Powers of 14 & 15 Vict. c. 104. and 17 & 18 Vict. c. 116. transferred to Church Estates Commissioners; 19.

General Report of the Proceedings of Commissioners to be sent annually to the Secretary of State; 20.

Deeds, Instruments, and Conveyances, how to be made; 21.

Act not to interfere with certain Parliamentary Powers of Sale and Exchange; 42 Geo. 3. c. 116., &c.; 22.

Provisions to be made for Places where Tithes arise; 23.

No Palace of a Bishop or House of Residence of any Member of an Ecclesiastical Corporation to be let on Lease; 24.

Commissioners to retain or employ Officers; 25.

Compensation to Persons affected by the Provisions of this Act; 26.

Act not to interfere with Orders in Council for securing Money Payments to Chapters of York and Carlisle; 27.

Commencement of Act; 28.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make better Provision for the Management of Episcopal and Capitular Estates.

Note.—*Clauses* A. *and* B. *were added in Committee.*

WHEREAS the Ecclesiastical Commissioners for England, by virtue of various Acts of Parliament and Orders of Her Majesty in Council, are already invested with a considerable Control over and possessed of an Interest in the Estates and Revenues belonging to various Ecclesiastical Bodies: And whereas it is expedient that such Control, by being extended, should in every Respect be calculated to render such Estates and Revenues most productive and beneficial to the Established Church, and most conducive to the spiritual Welfare of the People, and that such Arrangement should be made as to secure annual Incomes to Archbishops and Bishops in a Manner most befitting their spiritual Character: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: That— Preamble.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them respectively, so far as such Meanings Interpretation.

ings are not excluded by the Context or by the Nature of the Subject Matter; (that is to say),

"Commissioners." The Word "Commissioners" shall mean the Estates Committee of the Ecclesiastical Commission:

"Ecclesiastical Corporation." The Expression "Ecclesiastical Corporation" shall include every Archbishop, Bishop, Dean and Chapter, Dean, Archdeacon, Canon, Prebendary, and other Dignitary or Officer of any Cathedral or Collegiate Church in England or Wales, and every minor Ecclesiastical Corporation or College of Vicars in any such Cathedral or Collegiate Church, but shall not include any other College or Hospital, or any Parson, Vicar, or Perpetual Curate, or other Incumbent of any Benefice:

"Church Property." The Expression "Church Property" shall mean any Lands, Estates, or other Hereditaments of or to which any Ecclesiastical Corporation shall be seised or entitled in right of his or their See, Church, Dignity, Stall, Preferment, Office, or which shall legally or by Custom be annexed thereto respectively; also any Profits, Emoluments, or Revenues arising from such Property to which any Ecclesiastical Corporation shall be entitled in such Right as aforesaid, or which shall be payable to the Ecclesiastical Commissioners for England, either on behalf of such Ecclesiastical Corporation or in their own Behalf as part Owners thereof with any such Ecclesiastical Corporation:

"Estates and Revenues." The Expression "Estates and Revenues" shall mean the whole Amount of the Possessions, Profits, and Emoluments of any Ecclesiastical Corporation for the Time being, and which shall be Church Property within the Meaning of this Act:

"Real Estates." The Expression "Real Estates" shall mean and include all Manors, reputed Manors, Rectories, Messuages, Tenements, Tithes, Rents, Mines, Minerals, and Quarries, as well in reversion as possession, and any Leasehold Interest therein, and every individual Share thereof, and generally shall mean such and so much of Church Property within the Meaning of this Act as shall be subject to the Management and Control of the Commissioners:

"Tithes." The Word "Tithes" shall mean all Rectories Impropriate, Great and Small Tithes, or Portions of Tithes, Moduses, Compositions, and Rentcharges in lieu of Tithes, or Common or other Lands given in lieu of Tithes, which shall be Church Property within the Meaning of this Act:

"Mines." The Word "Mines" shall include all Mines and Minerals containing Metals and also all Mines of Coal which shall be Church Property within the Meaning of this Act:

"Bishop" and "See." The Word "Bishop" shall include an Archbishop, and the Word "See" shall apply as well to an Archiepiscopal as to an Episcopal See.

II. The

II. The Provisions of this Act shall be carried into effect by the Estates Committee of the Ecclesiastical Commission, constituted by the Seventh Section of the Act of the Thirteenth and Fourteenth Victoria, Chapter Ninety-four. Estates Committee to execute this Act.

III. The Commissioners may, by Summons under their Seal, require the Attendance of all such Officers of Ecclesiastical Corporations as they may think fit to examine upon any Matter to be inquired into by such Commissioners under this Act, and also to make any Inquiries and call for any Answer or Return from any such Ecclesiastical Corporation, or any Officer thereof, or any other Person, as to any such Matter, and require any such Officer or other Person to produce before such Commissioners all Rules, Regulations, Byelaws, Books, Deeds, Accounts, and Writings whatsoever of such Corporation, or Copies thereof, in anywise relating to such Matter, and may examine upon Oath all Persons who attend under such Summons, and all Persons who voluntarily attend as Witnesses, and any of the Commissioners may administer such Oath, and the Commissioners may, if they think fit, in lieu of requiring an Oath as aforesaid, require any Person to make and subscribe a Declaration of the Truth of his Examination and Evidence. Commissioners may summon and examine Witnesses.

IV. If any Person upon any Examination under this Act shall wilfully give false Evidence he shall be deemed guilty of Perjury; and if any Person shall make or subscribe a false Declaration, he shall, on being convicted thereof, suffer the Pains and Penalties of Perjury; and if any Person shall wilfully refuse to attend in obedience to any Summons of the Commissioners, or to give Evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce before such Commissioners any such Rules, Regulations, Byelaws, Books, Deeds, and Writings, or Copies of the same, which may be so required to be produced before such Commissioners, every Person so offending shall be deemed guilty of a Misdemeanor. Penalty on Persons giving false Evidence.

V. All the Profits, Emoluments, and Revenues which shall arise from the Real Estate belonging to or forming Part of the Endowment of any Ecclesiastical Corporation Aggregate or Sole, shall, as respects any See in which no Avoidance has happened since the First Day of January One thousand eight hundred and forty-eight, and the Bishop whereof does not already receive a fixed Income from the Ecclesiastical Commissioners for England, immediately from and after the First Avoidance of such See, and as respects all other Ecclesiastical Corporations immediately from and after the Commencement of this Act, be from Time to Time paid to and received by the said Commissioners in as full and ample a Manner as such Ecclesiastical Corporation, or its Successor, as the Case may be, would if this Act had not been passed be Profits and Revenues of Episcopal and Capitular Estates to be received by Commissioners, and Management of the same vested in said Commissioners.

entitled to receive the same, and be carried to the Common Fund of the said Ecclesiastical Commissioners, and subject to such particular Payments as are herein-after directed to be made thereout, shall be dealt with by them as a Part of such Fund for the Purposes to which the same is liable, under the Third and Fourth Victoria, Chapter One hundred and thirteen, Section Sixty-seven, and the Lands and Hereditaments yielding the same shall, except as is herein otherwise provided, remain and be under the sole Management and Control of the said Commissioners for such Purposes accordingly: Provided always, that nothing herein-before contained shall be construed to vest the Fee of such Lands and Hereditaments in the Commissioners, or to give them any further Interest in or Power over the same, except such as may be necessary for managing and disposing the same in accordance with the Provisions of this Act.

Proviso, that Commissioners not to have any Estate in such Premises other than for the Purposes of this Act.

Commissioners to keep a separate Account of Monies received in respect of each Corporation.

VI. The Commissioners shall keep a separate Account of all Monies paid and received by them in respect of the Real Estate of each Ecclesiastical Corporation, distinguishing the Corporation in respect of which the same shall be paid or received, and the Balance of all such Monies, after Payment thereout of all necessary Outgoings and Expenses connected with such Premises and of all the Costs of collecting and receiving such Sums, shall be carried to and form Part of the Common Fund of the Ecclesiastical Commissioners; and any Ecclesiastical Corporation, or any Person or Persons duly authorized on their Behalf, or any Member of any Ecclesiastical Corporation, shall be at liberty to inspect the Accounts of the Ecclesiastical Corporation of which he is a Member, and shall be at liberty to require a Copy of such Account, to be certified by the Clerk or other Person entrusted by the Commissioners with the Custody or keeping of such Accounts, upon Payment of the reasonable Expense of providing the same.

Agreement to be entered into between Ecclesiastical Commissioners and Bishops for the Payment of Incomes.

VII. So soon as the Real Estate belonging to any Bishop in right of his See becomes subject to the Management of the Commissioners under this Act, the Ecclesiastical Commissioners for England shall enter into an Agreement with such Bishop for the Payment to him of such Sum or Sums of Money as may be necessary, in addition to those derived from any Sources of Income not hereby placed under the Control and Management of the Commissioners, to secure to such Bishop the annual net Sum fixed by Parliament as the Income of his See; and such Agreement shall be submitted to Her Majesty in Council by a Scheme for that Purpose prepared by the Ecclesiastical Commissioners under their general Powers in that Behalf, and when such Scheme shall have been approved and ratified, such Sum or Sums shall be paid yearly and

and every Year to such Bishop by the Ecclesiastical Commissioners, and shall be payable out of and be a Charge upon their Common Fund.

Commissioners may place Tithes in certain Cases under the Management and Control of Bishops.

VIII. It shall be lawful for the Ecclesiastical Commissioners, at the Request of any Bishop, and whenever such an Arrangement can be effected, to place absolutely under the Control of, or cause to be conveyed, as the Case may be, to such Bishop, as Part of the Income of his See, any Tithes the Lease whereof may have expired or have been surrendered, whether such Tithes may have originally belonged to his See or not, and such Tithes when so conveyed shall be under the Control of such Bishop, but no new Lease of such Tithes shall in future be granted.

Existing Bishops enabled to come into Arrangements affecting future Bishops.

IX. If any Bishop of the Established Church in England or Wales, who has succeeded to his See upon an Avoidance thereof which has happened before the First Day of January One thousand eight hundred and forty-eight signify to the Commissioners, by Writing under his Episcopal Seal, his Desire to become subject to the Provisions of this Act in like Manner as if he had succeeded to his See upon an Avoidance thereof after the Day aforesaid, then it shall be lawful for the Commissioners, if they think fit, by an Order under their Hands, to direct that, from a Time mentioned in such Order, the Real Estate of or to which such Bishop shall be then seised or entitled in respect of his See, or which shall legally be annexed thereto, shall be under their Management, and thereupon all the Provisions herein contained shall be applicable to such Bishop, and to the Real Estate of such Bishop, and to Persons employed by him, in like Manner as if he had succeeded to his See on an Avoidance thereof after the Day aforesaid.

Bishop to be allowed to take to farm Land not exceeding in whole 100 Acres.

X. Nothing herein-before contained shall be held to apply to the Palace or usual House of Residence of any Bishop or to the Gardens or Pleasure Grounds appertaining thereto, and it shall be lawful for such Bishop to retain under his own Management any Lands, not exceeding on the whole One hundred Acres, lying adjacent or contiguous to such Palace or usual House of Residence, such Lands to be deemed and considered to be the Glebe or Demesne Lands belonging to the See, and to be held or occupied by the Bishop for the Time being of such See for Farming Purposes only; and so long as such Lands shall be attached to the See, and remain under the Management of the Bishop thereof, no Mines or Quarries shall be opened or worked upon the same, nor shall any Lease of the same be granted otherwise than from Year to Year and at the best Rent that can be reasonably gotten; and if it shall at any Time appear advisable to the

Commissioners that such Lands or some Part thereof should be made applicable for building, mining, or other Purposes than farming, then it shall be lawful for the Commissioners, with the Consent of the Bishop for the Time being, to take such Lands, or such Part thereof, under their own Management, for such Purposes, and shall substitute in place thereof other Lands equal in Extent to the whole or the Part so taken away, to be held and enjoyed by the Bishop of such See in manner aforesaid; and nothing herein contained shall give the Commissioners any Power or Control over the House or Houses of Residence occupied by the Dean or any other Member of an Ecclesiastical Corporation Aggregate, or their Appurtenances, or over any Lands or Tenements included in and generally known by the Name of "Cathedral Precincts."

Deans and Chapters to furnish Ecclesiastical Commissioners with a Statement of entire Charges and Outgoings.

XI. The Dean and Chapter of every Cathedral and Collegiate Church shall furnish the Ecclesiastical Commissioners for England with a Statement of such annual or other Sums of Money as may be necessary to provide for the Payment of the several Charges and Outgoings specified in the Schedule hereto, calculated upon an Average of the annual Expenditure made by such Dean and Chapter in respect of such Charges and Outgoings during the Seven Years immediately preceding the passing of this Act, or such longer Period as the Commissioners may see fit to direct; such Statement shall be certified by the Visitor of the Cathedral or Collegiate Church in each Case respectively, and when such Statement has been established to the Satisfaction of the Ecclesiastical Commissioners, Provision shall be made for the Payment of such Sum or Sums in manner herein-after mentioned; the Payment of such annual or other Sums of Money shall be subject nevertheless to any Alteration made therein at any Time by Order in Council regulating the Incomes of Members of Chapters, or other Charges or Payments incidental to the Maintenance of Cathedral and Collegiate Churches.

Deans and Chapters to furnish the Ecclesiastical Commissioners with a Return of Monies received by them, and Deficiency to be made good by the Commissioners.

XII. The Dean and Chapter of every Cathedral and Collegiate Church shall make a full and accurate Return to the Ecclesiastical Commissioners for England of all Monies which shall yearly be received by or accrue to them in respect of any Sources of Income not hereby placed under the Management and Control of the Commissioners, and such Sums so accruing shall be applied by such Dean and Chapter towards discharging the several Charges and Outgoings enumerated in the Schedule hereto, and the Deficiency, if any, shall be made up and paid by the Ecclesiastical Commissioners to such Dean and Chapter out of and be a Charge upon their Common Fund until such Time as the Management and Control of a Real Estate adequate for the entire Payment of such Charges

Charges shall have been transferred to such Dean and Chapter in manner herein-after provided.

After a certain Period the Management of Real Estate may be transferred to Corporations Aggregate.

XIII. The Ecclesiastical Commissioners, so soon as they may be able after the Expiration of Three Years from the passing of this Act, shall, if required so to do by the Dean and Chapter of any Ecclesiastical Corporation Aggregate in Writing under their Corporate Seal, place under the sole Control and Management of such Corporation such a Portion of Real Estate, consisting of Lands, Houses, Tithes, or Rents, as shall yield a net annual Income, after deducting Rates, Taxes, and other Outgoings, including Costs of Management, sufficient (in the Opinion of Arbitrators to be appointed, if necessary, as in the Manner herein-after mentioned) to pay and discharge such Outgoings and Charges as are specified in the Schedule hereto; and such Real Estate, so far as it consists of Land, shall at the Time of such Transfer be Freehold of Inheritance, free from Incumbrances, and shall be subject to no Lease for a longer Term than Twenty-one Years in possession, at the best Rent that can be reasonably gotten for the same, and as far as may be expedient or practicable shall be Lands that have been purchased, taken in Exchange, or discharged from the Interests of Lessees by the Purchase of such Interests, pursuant to the Powers and Provisions of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter One hundred and four, and of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her Majesty, Chapter One hundred and sixteen, and of this Act; and the Surplus, if any, of the Real Estate of such Corporation which shall remain under the Management of the Commissioners, shall therein-after vest absolutely in the Ecclesiastical Commissioners for England, freed and discharged of all Rights, Powers, and Authorities of any such Ecclesiastical Corporation in relation thereto, without any Conveyance or Assurance in Law other than the passing of this Act, and the Profits and Emoluments thereof shall be carried by them to, and form Part of, and be applicable for the Purposes of their Common Fund.

Payments to be made by Commissioners charged upon the Common Fund of the Ecclesiastical Commissioners for England.

XIV. All and every Sum or Sums which by this Act are made payable by the Commissioners to any Ecclesiastical Corporation, or to any Member of any Ecclesiastical Corporation, shall be a Charge upon the Common Fund of the Ecclesiastical Commissioners for England, and shall have Priority over all other Payments to be made thereout, anything contained in any other Act of Parliament to the contrary notwithstanding.

CLAUSE A.

Power of Re-entry.

XV. If any Sum or Sums of Money, or any Part thereof, hereby made payable to any Ecclesiastical Corporation, Aggregate or Sole, shall at any Time be unpaid for Forty Days next after any of the Times agreed upon for the Payment of the same between such

Corporation and the Ecclesiastical Commissioners, except such Nonpayment within such Time shall be occasioned by such Ecclesiastical Corporation failing to establish to the Satisfaction of the Commissioners the Return herein-before directed to be made, it shall be lawful for any such Corporation to enter into and upon and to hold the Lands and Hereditaments belonging to such Corporation or any Part thereof, and to take the Profits and Emoluments thereof until such Corporation shall therewith and thereby or otherwise be fully paid and satisfied the Sum or Sums of Money so in arrear at the Time of such Entry, or afterwards to become due during the Time of such Corporation being in possession of the same Premises, together with all Costs and Expenses sustained by reason of the Nonpayment thereof; and such Possession when taken to be without Impeachment of Waste.

Rights and Obligation of Commissioners in respect of Estates under their Management.

XVI. The Commissioners shall, in relation to the Real Estate of any Ecclesiastical Corporation which shall be under their Management as aforesaid, have and exercise all Powers, Authorities, and Discretion which would if this Act had not been passed be vested in or might be exercised by such Corporation, either with or without the Consent or Approval of the Commissioners, as incident to the Ownership, Right, or Title to such Real Estate, or otherwise in respect thereof, in case the Management thereof had not been transferred to the Commissioners, and shall be subject to the same Obligations in respect of such Lands and Hereditaments as such Corporation would have been subject to; and no Consent or Approval of any Ecclesiastical Corporation or any Member of any Ecclesiastical Corporation shall be necessary for the Validity of any Deed or Thing to be executed or done by the Commissioners with respect to the Lands and Hereditaments belonging to such Corporation.

Provision respecting Leases to be granted by any Ecclesiastical Corporation Aggregate.

XVII. No Lease of any Portion of the Real Estate belonging to any Ecclesiastical Corporation Aggregate shall without the Consent of the Commissioners be granted by such Corporation otherwise than from Year to Year, or for a Term of Years in possession not exceeding Twenty-one Years, at the best Rent that can be reasonably gotten for the same, without Fine, Premium, or Foregift, the Lessee not to be made dispunishable for Waste or exempted from Liability in respect of Waste; and previously to the granting of any such Lease by any Ecclesiastical Corporation it shall be lawful for the Commissioners to require a Copy of any proposed Lease to be submitted to them, and shall notify to such Corporation their Objections (if any) to the Terms or Covenants therein contained, together with any Alterations which they may deem expedient to be made therein; and in the event of such Corporation refusing or omitting to allow or adopt such Objections or Alterations the Matter shall be referred to Arbitrators to be chosen

chosen by the Commissioners and such Corporation respectively, and the Decision of such Arbitrators, or of an Umpire appointed by them in case of Disagreement, shall be given within Three Months from the Time of such Reference, and shall be final with respect to the Matters at issue.

Power of Endowment reserved to Ecclesiastical Corporation.

XVIII. Any Ecclesiastical Corporation Aggregate or Sole shall, with the Consent of the Commissioners, be at liberty to apply any Part of the Estates and Revenues belonging to or forming the Endowment or Part of the Endowment of such Corporation in or towards the Augmentation of any Benefice the Tithes belonging to which are vested in such Corporation, or otherwise towards making a permanent Provision for the spiritual Wants of any Place, Parish, or District in which the Estates and Revenues of such Corporation may be situate or arise, or to make a Grant of any Portion of Land for a Site for a Church or School.

Powers of 14 & 15 Vict. c. 104. and 17 & 18 Vict. c. 116. transferred to Church Estates Commissioners.

XIX. All the Powers which by an Act passed in the Fourteenth and Fifteenth Years of Her Majesty's Reign, Chapter One hundred and four, and by another Act passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter One hundred and sixteen, may be exercised by any Ecclesiastical Corporation, with the Consent of the Church Estates Commissioners, with respect to the Property of such Corporation shall, when the Real Estate of such Corporation is by this Act brought under the Management of the Estates Committee of the Ecclesiastical Commissioners, be exercised and be continued to be exercised by them solely with respect to such Real Estate, without the Consent of such Corporation being requisite thereto, subject, nevertheless, to all such and the like Provisoes, Restrictions, Conditions, and Limitations as are in the said Act contained, and all other Matters or Things which are required by the said Acts to be done by the Church Estates Commissioners, consequent upon any Sale, Enfranchisement, Exchange, Purchase, or Investment, shall, so far as the same are not inconsistent with the Provisions of this Act, be done and executed by such Committee for the Purposes of this Act.

Clause B. General Report of the Proceedings of Commissioners to be sent annually to the Secretary of State.

XX. The Ecclesiastical Commissioners shall include in the Report which they are by the Twenty-sixth Section of an Act of the Thirteenth and Fourteenth Years of the Reign of Her Majesty, Chapter Ninety-four, directed to make to One of Her Majesty's Principal Secretaries of State, a Report of all Matters or Things undertaken or executed by them pursuant to the Provisions of this Act, and shall furnish such other Information to such Secretary of State at the same or such other Time as he may direct; and so far as relates to Proceedings under the Eighteenth Section of this Act,

the said Report shall contain such Schedule, Statements, and Information touching the same as is provided by the Tenth Section of an Act of the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter One hundred and four, relative to the Report thereby directed to be made by the Church Estates Commissioners concerning their Proceeding under the said Act.

Deeds, Instruments, and Conveyances, how to be made.

XXI. All Deeds, Instruments, and Writings which if the Estates and Revenues to which they relate were not under the Management of the Commissioners would require to be sealed by any Bishop under his Episcopal Seal, or by the Corporate Seal of any Ecclesiastical Corporation Aggregate, shall, so long as such Estates and Revenues are under the Management of the Commissioners, be sealed with their Seal, and be expressed to be made by them on behalf of such Bishop or such Corporation, and shall be valid and effectual to all Intents and Purposes as if the same had been sealed by such Bishop or such Ecclesiastical Corporation Aggregate.

Act not to interfere with certain Parliamentary Powers of Sale and Exchange. 42 G. 3. c. 116. &c.

XXII. Provided always, That nothing in this Act contained shall extend to prevent any Sale, Exchange, or other Disposition of Church Property which might be made for Redemption of the Land Tax under the Provisions of the Act of the Forty-second Year of George the Third, Chapter One hundred and sixteen, or any Act continuing the same, or under any of the Church Building Acts, or of the Acts passed for the Conveyance of the Sites for Schools, or under any of the Acts for enabling spiritual Persons to exchange their Parsonage Houses or Glebe Lands, or under the Act of the Fifth Year of William the Fourth, Chapter Thirty, or any Sale, Exchange, or other Disposition of Church Property which may be authorized by any Act of Parliament specially relating to the Lands thereby disposed of, nor any Act or Deed which might lawfully be done or executed by the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the poor Clergy.

Provisions to be made for Places where Tithes arise.

XXIII. And whereas it is enacted by the Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, that in any Conveyance or Assignment of Tithes by the Commissioners for the Purpose of making additional Provision for the Cure of Souls in those Parishes where such Assistance is most required due Consideration shall be had of the Wants and Circumstances of the Places in which such Tithes now arise or have heretofore arisen: And whereas it is expedient that such Provisions should be extended: Be it therefore enacted, That with respect to any Tithes, Lands, or Hereditaments now belonging to or forming Part of the Property or Endowment of any

any Ecclesiastical Corporation, Aggregate or Sole, in any Case wherein the Management of such Property is under the Provisions of this Act vested in the Commissioners, upon the Expiration or Surrender of any Lease or Grant under which such Tithes, Lands, and Hereditaments may now be held, such Provision shall, if possible, be made for the spiritual Wants of the Places where such Tithes shall have theretofore arisen, or such Lands or Hereditaments shall be situated, as shall be sufficient in the Judgment of the Commissioners, anything in any other Act contained to the contrary notwithstanding: And with respect to any Lands, Tithes, or Hereditaments belonging to any Ecclesiastical Corporation Aggregate which may hereafter become permanently vested in the Ecclesiastical Commissioners at the Expiration of any Lease under which the same may be held at the Time of their becoming so vested, a like Provision shall be made.

No Palace of a Bishop or House of Residence of any Member of an Ecclesiastical Corporation to be let on Lease.

XXIV. No Grant or Lease shall be made by any Bishop or any Member of an Ecclesiastical Corporation Aggregate of the Palace or usual House of Residence belonging to such Bishop or such Member, or of any Offices, Outbuildings, Yards, Gardens, Orchards, or Pleasure Grounds to any such Palace or other House of Residence, and which may be necessary or Convenient for actual Occupation with such Palace or House of Residence, and no Grant or Lease shall be made by the Commissioners of any Mines, Minerals, Quarries, Watercourses, Ways, or other Easements, the Grant or Lease whereof may be prejudicial to the Enjoyment of any such Palace or House of Residence, or the Pleasure Grounds belonging thereto.

Commissioners to retain or employ Officers.

XXV. It shall be lawful for the Commissioners from Time to Time either to retain or employ for the Purposes of this Act any Officers, Stewards, Clerks, or Persons heretofore employed by any Ecclesiastical Corporation in the Management, Receipt, Collection, or Auditorship of any Real Estate of which the Management shall be by this Act vested in the Commissioners; and to assign such Duties to them or any of them as the Commissioners think fit, and to remove them from Time to Time.

Compensation to Persons affected by the Provisions of this Act.

XXVI. The Commissioners shall pay to any Person or Persons holding Offices for Life, who may be injured by the Operation of this Act, and who shall be removed by them, such Sum of Money and at such Times and by way of Annuity as to the Commissioners of Her Majesty's Treasury may appear reasonable, by way of Compensation for Loss of Office or for Loss sustained by the Operation of this Act: Provided always, that when such Person shall be permanently placed in any other Office of which the Salary and Emoluments are equal to or more than the whole of such Compensation, and so long

as he shall continue to be so placed, then such Compensation shall altogether cease to be paid; and where such Salary and Emoluments shall amount to Part of such Compensation, then he shall be entitled to receive only such Compensation as shall be equal to the Difference between the full Amount thereof and the Amount of the Salary and Emoluments of the Office in which he may be so placed.

Act not to interfere with Orders in Council for securing Money Payments to Chapters of York and Carlisle.

XXVII. Nothing contained in this Act shall be construed to interfere with the Provisions of certain Orders in Council, that is to say, an Order in Council published in the London Gazette of the Tenth Day of September One thousand eight hundred and fifty-two, an Order in Council published in the London Gazette of the Seventeenth Day of December One thousand eight hundred and fifty-two, an Order in Council published in the London Gazette of the Second Day of May One thousand eight hundred and fifty-four, and an Order in Council published in the London Gazette of the Fourth Day of July One thousand eight hundred and fifty-four, for securing Money Payments to the Dean and Chapters of York, Carlisle, Peterborough, and Chester respectively.

Commencement of Act.

XXVIII. This Act shall take effect on and from the First Day of January One thousand eight hundred and fifty-six.

SCHEDULE.

The Incomes of Dignitaries and Stipends to the Officers and Bedesmen of the Cathedral or Collegiate Church, and all other Costs, Charges, and Expenses incident to the Performance of the Services thereof.

The annual Cost for the Provision and Repair of the Church Furniture.

The annual Cost for the Maintenance of the Cathedral Precincts or Abbey.

Amount of Augmentations to all Vicarages and Benefices charged on or payable from the Cathedral Funds.

Amount of Subscriptions and Donations to Churches, Schools, Parsonage Houses, Charities, or otherwise.

Episcopal and Capitular Estates.

A

BILL

[AS AMENDED IN COMMITTEE]

To make better Provision for the Management of Episcopal and Capitular Estates.

(*Prepared and brought in by The Marquis of Blandford and Lord Robert Grosvenor.*)

Ordered, by The House of Commons, *to be Printed,* 4 *June* 1855.

[Bill 152.]

Under 2 oz.

A

BILL

FOR

Raising a Sum by Exchequer Bills and Exchequer Bonds, for the Service of the Year One thousand eight hundred and fifty-five.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-five, it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, at any Time Treasury may raise by Exchequer Bills in like Manner as is pre-

scribed by 48 G. 3. c. 1.

4 & 5 W. 4. c. 15.
5 & 6 Vict. c. 66.

or Times, to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of *Seven Millions*, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of King George the Third, Chapter One, and in an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of King William the Fourth, Chapter Fifteen, and in an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of Her present Majesty, Chapter Sixty-six.

The Clauses &c. in recited Acts extended to this Act.

II. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in this Act.

Bills how to be charged and paid.

III. The Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall respectively bear Date on such Days subsequent to the passing of this Act as the Commissioners of Her Majesty's Treasury may direct, and shall bear an Interest not exceeding the Rate of *Three-pence Halfpenny* per Centum per Diem in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of England standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public Revenue, after Twelve Calendar Months from their Dates.

V. All the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in Great Britain of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of England to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

VI. The

If full Amount of 7,000,000*l.* in Exchequer is not issued, Exchequer Bonds may be issued.

VI. The Commissioners of Her Majesty's Treasury may from Time to Time, but not later than the Thirty-first Day of March One thousand eight hundred and fifty-six, cause any Number of Exchequer Bonds to be made out at the Receipt of the Exchequer at Westminster, for such Sum or Sums of Money as they shall direct, but the Amount of such Exchequer Bonds, taken together with the Amount of Exchequer Bills issued from Time to Time under the Authority of this Act, shall not exceed in the whole the Sum of *Seven Millions* authorized to be raised by Exchequer Bills, as herein-before mentioned; and such Bonds shall bear such Interest as shall be determined by the said Commissioners, not exceeding Four Pounds per Centum per Annum, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding Six Years from the Date of such Bonds.

Interest on Bonds, and Repayment of Principal Money.

VII. The Interest on such Bonds shall be paid half-yearly on such Days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Principal Monies secured by such Bonds shall be repaid out of such Monies as shall be provided by Parliament in that Behalf.

Treasury may cause Exchequer Bonds to be prepared and issued.

VIII. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, cause or direct the Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than One hundred Pounds, together with Receipts or Certificates specifying the Interest from Time to Time accruing thereon, to be made out in such Manner and Form and bearing such Date as shall be fixed by the said Commissioners; and such Exchequer Bonds and the Interest accruing thereon respectively shall be transferable by the Delivery of such Bonds and of the Receipts or Certificates for such Interest thereon respectively; and the said Commissioners may from Time to Time, subject to the Provisions herein contained, prescribe and regulate how and by what Officer or Officers such Exchequer Bonds shall be signed or otherwise authenticated, and provide for the Manner of Payment of the Interest accruing thereon, and also for the Issue of new Bonds in lieu of any such Bonds worn or defaced which may be delivered up to be cancelled, and for the Issue of new Bonds in lieu of such Exchequer Bonds as may be lost, at such Times, upon such Securities, and under such Conditions and Precautions as they may think fit, and generally make such Regulations for the Safety and Convenience of the Holders of such Bonds, and the Payment of Interest upon the Production or Delivery of such Receipts or Certificates, or otherwise, as they may think fit; and the said Commissioners may, by such Regulations as aforesaid,

provide, if they shall see fit, for the Registration of any such Bonds as may be delivered up by the Holders thereof for that Purpose, and for the Delivery of Certificates of such Registration in lieu thereof, which shall be transferable by Entries in a Register which may be provided for that Purpose in such Manner and subject to such Conditions and Restrictions as the said Commissioners may see fit, and every such Warrant shall from Time to Time be published in the *London Gazette*.

Application of Clauses 16, 17, 18, and 19 of 17 & 18 Vict. c. 23.

IX. The several Sections Sixteen, Seventeen, Eighteen, and Nineteen of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-three, shall apply and be construed to and in relation to the Exchequer Bonds, to be prepared under the Authority of this Act, in like Manner as if such several Sections had been repeated and re-enacted in this Act.

Money raised to be paid to the Consolidated Fund.

X. All such Sums of Money as shall be raised by Exchequer Bills or Exchequer Bonds, to be made out in pursuance of this Act, shall be paid to the Account of Her Majesty's Exchequer at the Bank of England, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Exchequer Bills and Bonds may be delivered to Persons authorized by the Treasury.

XI. The Commissioners of Her Majesty's Treasury may direct the Comptroller General of the Exchequer from Time to Time to deliver such Amount of Exchequer Bills or Exchequer Bonds, made out in pursuance of this Act, as the said Commissioners shall from Time to Time think fit, not exceeding in the whole the Sum of *Seven Millions*, to such Person or Officer as may be named in any Warrant to be issued by the said Commissioners for such Purpose, and such Person or Officer shall thereafter become chargeable and be charged with such Amount of Exchequer Bills and Exchequer Bonds as may be delivered to him, subject to such Directions as may be issued to him by the said Commissioners for the Sale thereof, and such Person or Officer shall be discharged from all Account in respect of such Exchequer Bills and Exchequer Bonds, on proving to the Satisfaction of the Commissioners for auditing the Public Accounts, that he has duly obeyed the Directions of the said Commissioners of Her Majesty's Treasury: Provided always, that the said Commissioners shall not be authorized to direct the Issue of such Exchequer Bills and Exchequer Bonds to such Person or Officer, except for the Purpose of raising Money to be paid to the Account of Her Majesty's Exchequer at the Bank of England as aforesaid.

Bank of England may advance 7,000,000*l.*

XII. It shall be lawful for the Governor and Company of the Bank of England to advance or lend to Her Majesty, upon the Credit

Credit of the Exchequer Bills and Exchequer Bonds to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of *Seven Millions*, anything in an Act passed in the Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any subsequent Act, to the contrary thereof in anywise notwithstanding; and also for the Commissioners for the Reduction of the National Debt to invest in the Purchase of Exchequer Bonds issued under the Authority of this Act any Money in their Hands on account of Savings Banks.

on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.; and Commissioners of the National Debt may invest on account of Savings Banks.

Exchequer Bills (£7,000,000).

A

BILL

For raising a Sum by Exchequer Bills and Exchequer Bonds, for the Service of the Year One thousand eight hundred and fifty-five.

Ordered, by The House of Commons, *to be Printed*, 3 *August* 1855.

[Bill 288]

Under 1 *oz.*

7 *June* 1855. 18 VICT.

A

B I L L

TO

Impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively; and to amend the Laws relating to the Duties of Excise.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom, and to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks of Excise now payable on such Spirits and Sugar and Molasses respectively: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. There shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, for and upon every Gallon of Spirits of the Strength of Hydrometer Proof which, on or after *the* Duties of Excise on Spirits distilled in

Great Britain and Ireland.

the First Day of October One thousand eight hundred and fifty-five, shall be distilled within the United Kingdom, or be in the Stock, Custody, or Possession of any Distiller, or of any Person in trust for him, or for his Use, Benefit, or Account, or which, having been distilled within the United Kingdom, shall on or after the said Day be in Warehouse, and be taken out of Warehouse for Consumption within the United Kingdom, the respective Rates and Duties following; that is to say,

	£	*s.*	*d.*
In Great Britain - - -	*0*	*8*	*0*
In Ireland - - -	*0*	*6*	*2*

and so in proportion for any greater or less Degree of Strength, or any greater or less Quantity, in lieu of all other Duties of Excise on such Spirits chargeable under any Act in force.

Duties to be under the Management of the Commissioners of Inland Revenue, and to be collected under the Provisions of Acts in force relating to Excise.

II. The said Duties by this Act granted shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, collected, and paid in like Manner and by the same Ways and Methods by which other Duties of Excise on Spirits are or may be charged, collected, and paid; and all Powers, Provisions, Clauses, Regulations, and Directions, Forfeitures, Pains, and Penalties, contained in or imposed or made by or under the Authority of any Act relating to Duties of Excise, and in force at the Time of the passing of this Act, shall respectively extend, so far as the same are applicable, to the said Duties by this Act granted, and shall be observed, applied, enforced, and put in execution for collecting and securing of the said last-mentioned Duties, and otherwise in relation thereto (except so far as the same are altered or superseded by the Provisions of this Act), as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the said Duties by this Act granted.

Allowances on Spirits in Distillers Stock or in Warehouse.

III. And there shall be allowed and paid to the Distiller or Proprietor of all Spirits which, having been distilled within the United Kingdom before the *First Day of October One thousand eight hundred and fifty-five*, shall on or after the said last-mentioned Day be in the Stock of any Distiller or in Warehouse, the several Allowances and Drawbacks of Excise following; that is to say, for and upon every Gallon of such last-mentioned Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Quantity, or any greater or less Degree of Strength, if such Spirits shall have been distilled from Malt only, under the Provisions and Regulations entitling the Distiller to the Allowance in that Behalf, the Allowance of *Eightpence* per Gallon; and if such Spirits shall have been distilled from any other Materials than Malt only, or otherwise than in conformity with such

such Provisions and Regulations, the Allowance of *Twopence* per Gallon.

Former Allowances in respect of Malt and on Sugar used in distilling to cease.

IV. On and after the *First Day of October One thousand eight hundred and fifty-five* all Allowances and Drawbacks of Excise granted by any former Act for or upon Spirits distilled in any Part of the United Kingdom, in respect of the Malt or other Materials used in making such Spirits, and for or upon Sugar and Molasses used in the Distillation of Spirits, shall respectively cease and determine.

Malt may be made by Distillers and used free from Duty in distilling Spirits.

V. And from and after the *passing of this Act* it shall be lawful for any Distiller who shall take out a proper Licence as a Maltster to make Malt, under the Provisions and Regulations of this Act, in a Malthouse approved by the Commissioners of Inland Revenue, for the sole Purpose of being consumed, on and after the *First Day of October One thousand eight hundred and fifty-five*, in the distilling of Spirits in his Distillery, and all Malt which shall be so made and consumed shall be free from the Duties of Excise chargeable on Malt: Provided always, that the Provisions, Regulations, Penalties, and Forfeitures contained in the several Acts of Parliament and now in force in relation to Maltsters, or the making of Malt, shall (except so far as the same are repealed, altered, or superseded by the express Provisions of this Act) be observed, applied, and enforced with respect to Distillers making Malt, and to the making of Malt under the Provisions and Regulations of this Act.

Distillers on giving Security to have Duty-free Sugar and Molasses delivered to them, to be used in the distilling of Spirits.

VI. And from and after *the Fifteenth Day of September One thousand eight hundred and fifty-five* every Distiller who shall have given Security by Bond with Sureties to the Satisfaction of the Commissioners of Customs, in the Manner and for the Purpose herein-after mentioned, shall be entitled to remove Sugar and Molasses, without previously paying the Duties of Customs thereon, from any Customs Warehouse in which the same may be deposited to the proper Storeroom at his Distillery provided for Sugar and Molasses, pursuant to the Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of Her Majesty's Reign, Chapter One hundred, for the sole Purpose of being consumed, on and after the *First Day of October One thousand eight hundred and fifty-five*, in the distilling of Spirits in his Distillery, and all such Sugar and Molasses which shall be so consumed shall be free from the Duties of Customs: Provided always, that the Provisions, Regulations, Penalties, and Forfeitures contained in the said last-mentioned Act in relation to Sugar and Molasses on which the Duties of Customs have been paid shall be observed, applied, and enforced respectively in relation to Sugar and Molasses to be removed as aforesaid, under the Provisions of this Act, without the previous Payment of the said Duties.

Distiller to give Bond, with Sureties, conditioned to secure the due Consumption of Duty-free Sugar and Molasses in the distilling of Spirits.

VII. Every Distiller who shall intend to use Duty-free Sugar or Molasses in the distilling of Spirits under the Provisions of this Act shall enter into a Bond to Her Majesty, with Two or more sufficient Sureties to the Satisfaction of the Commissioners of Customs, and in such Sum as the said last-mentioned Commissioners shall think proper, conditioned to the Purport or Effect following; (that is to say,) that all Sugar and Molasses which shall be from Time to Time delivered to him from any Warehouse without Payment of the Duties of Customs thereon shall be forthwith duly conveyed to and deposited in a Store-room for Sugar and Molasses provided at his Distillery, pursuant to the said Act of the Eleventh and Twelfth Years of Her Majesty's Reign, and that all such Sugar and Molasses shall from Time to Time, within the Space of *One Calendar Month* next after the Delivery thereof from any such Warehouse, be used and consumed by such Distiller solely in the distilling of Spirits in his Distillery; and the Condition of every such Bond shall also contain all such further Terms and Stipulations as the Commissioners of Customs shall deem to be necessary or proper for preventing Frauds in relation to the Use or Disposal of Sugar or Molasses delivered Duty-free under the Provisions of this Act; and the Distiller shall give a fresh Bond, with such Sureties as aforesaid, when and as often as he shall be required so to do by the said last-mentioned Commissioners, and in default thereof he shall not be entitled to have Duty-free Sugar or Molasses under the Provisions of this Act.

Distiller to make Entry of his Malt House, and to provide a Kiln adapted for securing the Malt whilst drying.

VIII. Every Distiller who shall make Malt to be consumed as aforesaid Duty-free shall make due Entry of every Malthouse in which he shall make such Malt as a Place to be used for that Purpose only, and shall provide therein a proper and secure Kiln, approved in Writing by the proper Collector and Supervisor of the District, and to be entered and used by such Distiller for the drying of such Malt and for securing the same during the Process of drying, and until it shall be removed from such Kiln in the Manner herein directed; and such Kiln shall at all Times be kept locked up by the Officer, who shall not be required to unlock or open the same, except upon Notice in Writing to be given to him on behalf of the Distiller, and for a reasonable and proper Object, to be specified in such Notice.

If Malthouse more than a Mile from a Market Town, Distiller to provide Lodgings for the Officer.

IX. If any such Malthouse as aforesaid shall be situated at a greater Distance than *One Mile* by the nearest Highway from a Market Town, the Distiller shall provide (if required so to do by the Commissioners of Inland Revenue) a House or Lodgings, or Rooms fit and proper for the Residence of the Officer having the Survey of such Malthouse, the same to be situated within the Distance aforesaid from such Malthouse, and to be approved by the said Commissioners,

missioners, and at a reasonable Cost or Rent, not exceeding *Ten Pounds* a Year, to be paid by such Officer for the same: Provided always, that such House, Lodgings, or Rooms shall not form any Part of the Dwelling House, Residence, Distillery, or Malthouse of such Distiller.

Distiller to provide secureRooms to be used for the Purposes herein expressed.

X. The Distiller shall also provide safe and secure Rooms, approved in Writing by the proper Collector and Supervisor of the District, and to be entered and used by the Distiller for the several Purposes herein-after expressed; (that is to say,) a Room at the Malthouse of such Distiller, to be entered and used as a Storeroom for depositing Malt therein immediately on the Removal thereof from the Kiln, and such Room shall be so situated with respect to such Kiln as that the Officer attending the Removal of Malt from the Kiln shall be enabled at One View to see the same taken from the Kiln and carried directly into such Storeroom, or if the Situation of such Storeroom will not admit of such View, then the Communication between the Kiln and the Storeroom shall be by an enclosed and covered Passage having no other Communication, or otherwise the Removal of all such Malt from the Kiln to the Storeroom shall be ensured to the Satisfaction of the Commissioners of Inland Revenue by such Ways and Means as they shall require or approve of, to be adopted by or at the Expense of the Distiller; and also a Room at the Distillery, to be entered and used by such Distiller as a Storeroom for depositing Malt therein, on the Removal thereof from the Malthouse to the Distillery, previously to the grinding of such Malt; and also a Room at the Distillery, to be called the Mill-room, and to be entered and used by such Distiller for the grinding of Malt therein, and all Malt to be used in the Distillery shall be ground in such Mill-room by Metal Rollers only, and the Removal of such Malt to and from such Mill-room, and the grinding thereof, and the depositing and securing of the same afterwards, shall be under and subject to such Rules and Regulations as the Commissioners of Inland Revenue may from Time to Time make in that Behalf; and all such Rooms so to be provided as aforesaid shall be properly secured to the Satisfaction of the said Collector and Supervisor, and shall be at all Times kept locked by the proper Officer of Excise, and neither the Distiller nor his Servants or Workmen shall be admitted therein, except upon due Notice in Writing given to such Officer, in the Manner and for the Purposes directed by this Act.

A Storeroom at the Malthouse for the Deposit of Malt on Removal from the Kiln.

A Storeroom at the Distillery for Malt on Removal from the Malthouse.

Also a Millroom at the Distillery for grinding Malt.

All such Rooms to be properly secured.

All Fastenings (except Locks) for the Security of Kilns and

XI. Wherever any Kiln-room or Place is by this Act directed to be kept locked or secured by the Officer of Excise, all fit and proper Fastenings (except Locks) for the Purpose of enabling such

other Rooms to be provided at the Expense of the Distiller.

Penalty for refusing to defray such Expense or for removing or damaging Locks or Fastenings.

such Officer to affix Locks thereto, or otherwise to secure such Kiln-room or Place, shall be provided and affixed, and renewed from Time to Time, by the Distiller, to the Satisfaction of the proper Collector and Supervisor for the Time being, or otherwise such Collector or Supervisor shall provide and affix or renew such Fastenings at the Expense of such Distiller; and if any Distiller shall neglect or refuse to pay to such Collector or Supervisor the Cost or Expense incurred by him in providing, affixing, or renewing any such Fastening, such Distiller shall forfeit the Sum of *One hundred Pounds;* and if such Distiller, or his Servant or Workman, shall wilfully destroy, damage, or injure any such Fastening as aforesaid, by whomsoever provided or affixed, or any Lock or Key belonging thereto, or shall by any Means open, take off, or remove any such Lock or Fastening, or make any Way or Entrance, or improperly gain Access or Admittance into any such Kiln-room or Place, such Distiller shall for every such Offence, whether committed by himself or his Servant or Workman, forfeit the Sum of *Two hundred Pounds.*

Commissioners may revoke Approval of Malthouse, Kiln, or Storerooms, and require Alterations or additional Fastenings.

XII. It shall be lawful for the Commissioners of Inland Revenue at any Time to revoke the Approval of any Malthouse, Kiln, Storeroom, or Mill-room, or the Mode of Communication between any Kiln and Storeroom provided under this Act, which may have been approved of either by the said Commissioners or by the Collector and Supervisor of Excise, or either of them, and to require the Distiller to provide another proper and secure Malthouse, Kiln, or Room in lieu thereof, or to make any Alteration therein, or to provide and fix any additional Fastenings or other Securities to the Satisfaction of the said Commissioners; and in case of the Refusal or Neglect of the Distiller to comply with any Requisition of the said Commissioners in that Behalf, all Malt of such Distiller then being at his Malthouse or Distillery, and all Malt thereafter made by him until he shall so comply, shall be charged with the proper Duty of Excise on Malt, and the Amount of such Duty shall be paid to the proper Collector immediately after the Charge thereof shall have been made.

Allowance on Cistern or Couch Gauges to be 17 per Cent.

Grain to be kept in operation 168 Hours

XIII. In respect of all Corn or Grain in Process of making into Malt in any such Malthouse as aforesaid, the Allowance to be made upon the Gauges thereof during the Time that the same shall be in the Cistern, or in the Couch Frame whilst directed by Law to be deemed and gauged as in Couch, shall be at the Rate of *Seventeen* Bushels only for every One hundred Bushels of the whole Quantity of the Corn or Grain so found by such Gauge; and all such Corn and Grain shall be kept in operation for the full Period of *One hundred and sixty-eight* Hours from the Time of the same being removed from the

the Cistern into the Couch Frame before the same or any Portion of it shall be placed on the Kiln. between Cistern and Kiln.

XIV. Every Distiller who shall make Malt under the Provisions of this Act shall give *Twelve* Hours Notice in Writing to the proper Officer of Excise of the Day and the particular Hour when he shall intend to place any Grain upon the Kiln, and shall specify in such Notice the Floor of Corn or Grain, and the particular Portion thereof, whether the whole or the First or Second Portion, intended to be placed on the Kiln, and for this Purpose no Floor shall be divided into more than Two Portions; and the Officer shall attend pursuant to such Notice and unlock the Door of the Kiln, and permit the loading thereof with Grain, conformably with such Notice: Provided always, that the loading of the Kiln shall not take place at any other Time than between the Hours of *Six* o'Clock in the Morning and *Eight* o'Clock in the Evening, and that such loading shall be completed within the Space of *Two* Hours from the Time specified in such Notice, and in default thereof the Door of the Kiln shall be again locked by the Officer. Notice to be given to load the Kiln, and Officer to attend.

XV. Immediately after the loading of the Kiln the Officer shall again lock up and secure the same, but during the Time that any Grain shall be upon the Kiln the Officer shall attend and admit the Workmen into the Kiln for the Purpose of turning or stirring such Grain from Time to Time and at such Times as shall be specified in any Notice in Writing which may be given to him for that Purpose on behalf of the Distiller at or before the Time of loading the Kiln: Provided always, that the Officer shall not be required to unlock the Kiln oftener than *Four* Times in any One Day, nor at any Time between the Hours of *Ten* o'Clock in the Evening and *Six* o'Clock in the Morning, or to allow the Kiln to remain open or unlocked, for the Purpose aforesaid, for a greater Length of Time than *Half an Hour* on any One Occasion. Officer to admit the Workmen into the Kiln to stir the Grain from Time to Time, pursuant to Notice.

XVI. Every such Distiller shall give to the proper Officer *Twelve* Hours Notice in Writing of the Day, and particular Hour of the Day, when such Distiller shall intend to remove the Malt from the Kiln, and the Officer shall attend according to such Notice, and the Malt shall be forthwith measured in his Presence, and if the Quantity of Malt so measured from the Kiln shall, according to such Measure, prove to be less than the Quantity which was given by the highest Gauge of the Grain whilst in the Process of making into Malt, deducting the proper Allowance in that Behalf, the Deficiency shall be charged with the Duty of Excise on Malt, and the Distiller shall forthwith pay the Amount of such Duty to the proper Collector of Notice to be given for Removal of Malt from the Kiln. Malt to be measured and Deficiency charged with Duty.

Excise, and all the Malt upon the Kiln, after having been so measured, shall be removed therefrom, and carried, in the Presence of the Officer, directly into the Storeroom to be provided and entered by the Distiller for that Purpose as aforesaid, and shall be locked up and secured therein by such Officer.

Removal of Malt from the Storeroom at the Malthouse to the Storeroom at the Distillery.

XVII. When the Distiller shall desire to remove any Malt from the Storeroom at his Malthouse to the Storeroom at his Distillery, he shall give *Twenty-four* Hours Notice in Writing to the proper Officer of Excise of the Time when and the Rooms and Places to and from which he intends to remove such Malt, and the Quantity thereof which he intends to remove, and such Officer shall attend pursuant to such Notice at the Storeroom from which such Malt is to be removed, to unlock the Door thereof, and see measured out therefrom the Quantity of Malt expressed in such Notice, and such Officer may take Samples of the Malt to be removed, and weigh the Malt contained in Two or more of the Sacks thereof, taken at his Discretion, and shall thereupon grant a Permit for the Removal of such Malt from and to the several Storerooms expressed in such Notice, and there shall be expressed in such Permit the Time for which the same shall be in force, such Time being a reasonable and sufficient Time for such Removal, and also the average Weight per Sack of such Malt, the average Weight of any Two or more Sacks thereof, weighed by the Officer as aforesaid, to be deemed the average Weight per Sack of all such Malt; and if such Distiller shall not duly remove all such Malt, and deposit the same according to the Terms of such Permit, or shall remove the same or any Part thereof to any other Place than that expressed in such Permit as the Place to which such Malt is to be removed, or if the average Weight per Sack of the Malt contained in any Two or more of the Sacks deposited in such last-mentioned Place shall exceed by *Two* Pounds or more the Weight expressed in such Permit as the average Weight per Sack of such Malt, such Distiller shall forfeit the Sum of *Two hundred Pounds*, and all such Malt shall be forfeited, and may be seized by any Officer of Excise; and if any such Malt shall be found removing or removed without being or having been accompanied by a Permit duly granted, or accompanied by a Permit expired or out of Force, or which shall not agree with the Quantity or average Weight per Sack of such Malt, or the Time or Manner of the Removal thereof, all such Malt shall also be forfeited, and may be seized by any Officer of Excise.

Malt to be removed from Malthouse to Distillery in Sacks containing Four Bushels each.

XVIII. All Malt intended to be removed from a Storeroom at the Malthouse to a Storeroom at the Distillery shall be contained in Sacks, and each Sack shall contain the exact Quantity of Four Bushels of Malt, secured therein in such Manner as the Commissioners of Inland Revenue may direct.

XIX. And

Twelve Hours Notice to be given for Removal of Malt from the Storeroom to the Mill-room.

XIX. And when the Distiller shall desire to remove any Malt from the Storeroom at his Distillery to the Mill-room for the Purpose of being ground, he shall give *Twelve* Hours Notice in Writing to the Officer by whom the Keys of such Rooms are kept, specifying in such Notice the Number of Bushels of Malt intended to be so removed, and the Officer shall attend in pursuance of such Notice and see measured the Quantity of Malt specified in such Notice, and such Malt shall be forthwith conveyed, in the Presence of the Officer, into the Mill-room, and be there locked up and secured by the Officer; and before the Removal of any Malt, after the grinding thereof, from the Mill-room to the Mash Tun, the Distiller shall give to the proper Officer *Four* Hours previous Notice in Writing, specifying the Quantity thereof to be mashed, and the Officer shall attend accordingly and deliver out such Malt, and the same shall be forthwith mashed in his Presence.

Four Hours Notice for Removal of Malt from the Mill-room to the Mash Tun.

Distillers to enter in Books Particulars of Malt received into and removed from their Storerooms.

XX. Books prepared with proper Columns for such Purposes as herein-after mentioned shall be delivered by the proper Officer of Excise to every such Distiller, to be kept by him at each of such Storerooms as aforesaid, as well at his Malthouse as at his Distillery, and whenever any Malt shall be received into or removed from any such Storeroom the Distiller shall enter in such Book as aforesaid, and in the proper Columns prepared for the Purpose, the Quantity of Malt, in Bushels, received into or removed from the Storeroom, and in the Case of Malt removed the Number of Sacks and the average Weight per Sack of the Malt contained therein; and he shall also enter in such Book the particular Day and Hour of the Day when any such Malt was received into or removed from the Storeroom, and the particular Place from or to which the same was received or removed; and if any Distiller shall not keep such Book as aforesaid, or shall not write and truly make therein all such Entries as aforesaid, or shall make any false Entry therein, or cancel, obliterate, or destroy or alter any Entry therein, or shall not deliver up any such Book to any Officer of Excise demanding the same, or shall refuse to permit such Officer to make any Minute therein, or shall conceal or convey away the same, or destroy or tear out any Leaf therefrom, such Distiller shall for every such Offence forfeit the Sum of *One hundred Pounds*.

Malt remaining in Storeroom to be measured; Balance of Account to be struck of Malt re-

XXI. From Time to Time, when and as often as the Officer of Excise shall deem it to be necessary or proper, and at least *once* in every Year, the Stock of Malt remaining in the Storeroom, either at the Malthouse or at the Distillery, or at each of those Places, shall be measured over in the Presence of the Officer, and a Balance shall be struck of the Account of Malt received into and delivered out of such

ceived and delivered, and Duty to be charged on Deficiency. Excess to be forfeited.

such Storeroom, and if the Quantity of Malt then remaining in such Storeroom, according to such Measurement, shall be deficient by more than *Three* per Centum (computed as herein-after mentioned) of the Quantity which, according to the Balance of such Account, ought to be found therein, the Distiller shall be charged with the Duty of Excise on Malt for the whole Quantity deficient; and if at any Time the whole of the Malt shall be removed from any such Storeroom, and upon striking such Balance there shall appear to be any such Deficiency exceeding the Rate aforesaid, the Distiller shall also be charged with the said Duty on the whole of such Deficiency, and in every such Case as aforesaid the Distiller shall forthwith pay the Amount of the Duty so charged upon him to the proper Collector of Excise; and if at any Time, upon striking such Balance as aforesaid, there shall be found in any such Storeroom a Quantity of Malt exceeding by more than *Three* per Centum the Quantity which, according to the Balance of such Account, ought to be found therein, the whole Quantity of such Excess shall be forfeited, and may be seized by any Officer of Excise, and on the striking of such Balance as aforesaid the said Rate of *Three* per Centum shall be computed and allowed on the whole Quantity of Malt received into the Storeroom since the First Entry and Use thereof as such Storeroom, if there shall have been no previous Stock-taking, or on the whole Quantity received since the last Stock-taking, and also on the Quantity then remaining in such Storeroom, as the Case may be.

Distiller to provide a Bushel Measure and Scales and Weights, and assist Officer in measuring and weighing Malt.

XXII. The Distiller shall provide and keep at his Malthouse and also at his Distillery, and in such proper and convenient Place therein respectively as the Supervisor of Excise shall approve, a correct Bushel Measure, and also just and true Scales and Weights, properly adapted for the weighing of Malt in Sacks, and shall permit any Officer of Excise to use such Measure and Scales and Weights for the Purpose of measuring, weighing, and taking an Account of all or any Malt in the Possession of the Distiller, and the Distiller, with his Servants and Workmen, shall, whenever thereto required by any Officer of Excise, measure and weigh, and aid and assist the Officer in measuring and weighing and taking Account of such Malt as aforesaid; and if any Distiller shall refuse or neglect to provide and keep such Bushel Measure, or to provide and keep such Scales and Weights, in such Place as aforesaid, or shall refuse to permit any Officer of Excise to use the same, or refuse or neglect, whenever thereto required as aforesaid, with his Servants or Workmen, to measure or weigh any such Malt, or to aid and assist the Officer in measuring or weighing and taking Account of the same as aforesaid, such Distiller shall for every such Offence forfeit the Sum of *One hundred Pounds;* and if any Measure which shall be provided or kept by such Distiller at his Malthouse or Distillery as or for such

Bushel

Bushel Measure as aforesaid shall not be a true and correct Bushel Measure, or if any Scales or Weight which shall be so provided or kept as aforesaid shall be false or unjust, or if any Distiller shall use or cause or permit or suffer to be used any false, unjust, or insufficient Measure, Scales, or Weight in the measuring or weighing of any Malt by or on the Requisition of any Officer of Excise, or shall practise any Art, Device, or Contrivance by which any Officer may be hindered or prevented from taking the just and true Quantity, Measure, or Weight of any Malt, such Distiller shall forfeit the Sum of *Two hundred Pounds* for every such Offence, and all false, unjust, or insufficient Measures, Scales, and Weights respectively shall be forfeited, and may be seized and taken away by any Officer of Excise.

Distiller to deliver an Account of the Malt, Sugar, Molasses, and other Materials used in every distilling Period, verified by Declaration.

XXIII. Every Distiller shall at the End of every distilling Period deliver to the proper Officer an Account in Writing of the Number of Bushels of Malt, and the true Quantity of Sugar, Molasses, and other Materials (specifying the same and the Quantities thereof respectively), actually used in making the Wort or Wash distilled during such Period, and the Officer shall transmit such Account, together with a Return in Writing signed by him, to the Collector of Excise, specifying the Number of Bushels of Malt, and the Quantities of Sugar, Molasses, and other Materials, so used, and the Quantity of Proof Spirits with which such Distiller shall have been charged in respect of such Wort or Wash; and the Distiller or the Principal Manager of his Distillery shall make and subscribe a Declaration to the Truth of such Account in the Form or to the Effect following:

'I A.B., Distiller [or Principal Manager, as the Case may be,]
'of the Distillery at do solemnly declare,
'That within the Brewing Period commencing on the
'Day of and ending on the Day
'of both inclusive, there were actually mashed and
'used in the said Distillery, and consumed in the distilling of
'Spirits therein, the several Quantities of Malt and other Materials
'herein-after specified, and no more; (that is to say,)
'Bushels of Malt, Pounds of Sugar,
' Pounds of Molasses, and
'Bushels of Raw Grain, [or as the Case may be,] and all this
'I declare to the best of my Knowledge and Belief, and according
'to the best Information in my Power to obtain.'

And in default of such Declaration being made, or if any such Declaration shall be untrue, the Distiller shall forfeit the Sum of *One hundred Pounds*.

Distillers to designate their Malt-houses by painting Words on the principal Entrance.

XXIV. Every Distiller shall paint or place and fix in Letters *Three* Inches at the least in Height, and of a proper and proportionate Breadth, conspicuously upon the principal Gate, Door, or Entrance of his Malthouse, his Christian and Surname, together with the Words "Entered to make Malt to be used in distilling Spirits only," and shall preserve and keep the same so painted or placed and fixed, and shall repaint and renew the same as often as Occasion shall require, upon pain of forfeiting the Sum of *Twenty Pounds* for any Refusal or Neglect to comply in any Particular with the several Directions aforesaid in this Clause contained.

Malt or Grain not to be sold or removed from the Malt-house or Distillery.

XXV. It shall not be lawful for any Distiller to sell any Malt, or to send out or deliver any Malt from any Malthouse, Distillery, or other Premises belonging to him, and every Person who shall knowingly buy any Malt from a Distiller, or who shall take or receive any Malt from any Distillery or from any Malthouse or Premises on the principal or outer Gate whereof the Words "Entered to make Malt to be used in distilling Spirits only" shall be painted, fixed, or placed, shall forfeit the Sum of *One hundred Pounds;* and if any Distiller shall sell any Malt or take or send out or remove any Malt from his Malthouse (except Malt duly removed therefrom to his Distillery under a Permit granted in that Behalf), or take or send out or remove any Malt from his Distillery, or if any Distiller shall not use all Corn or Grain received at his Malthouse by making the same into Malt, and consume all such Malt in his Distillery, or shall convey away, hide, or conceal any Malt, or Corn, or Grain, such Distiller shall for every such Offence forfeit the Sum of *Two hundred Pounds*, and all Malt which shall be found in any Distillery or the Premises belonging thereto, otherwise than in the proper Storeroom or Mill-room, or in the Mash Tun, or being duly removed to or from any such Places in the Manner directed by this Act, shall be deemed to be conveyed away, hidden, and concealed by the Distiller, and shall subject him to the said Penalty in that Behalf; and all Malt and Corn and Grain which shall be respectively sold, sent out, delivered, or received, or conveyed away, hidden, or concealed, contrary to any of the Provisions of this Act, shall be forfeited, and may be seized by any Officer of Excise.

Commissioners may revoke the Licence of a Distiller on a Second Conviction of certain specified Offences.

XXVI. And if any Distiller shall be convicted of any of the several Offences specified in the last preceding Clause of this Act, and shall afterwards be again convicted either of the like Offence or of any other of the said several Offences specified as aforesaid, it shall be lawful for the Commissioners of Inland Revenue, and they are hereby empowered, to revoke and annul the Licence granted to such Distiller as a Maltster, and to refuse to grant to him any further Licence,

Licence, either as a Maltster or a Distiller, at any Time thereafter, and also to refuse to grant during the Space of *One Year* any such Licence to any other Person to exercise such Trade or Business at the same Premises where the Offence in respect of which such Second Conviction as aforesaid was made.

Persons found unlawfully removing Malt from a Distiller's Malthouse or a Distillery may be arrested and summarily dealt with.

XXVII. And if any Person shall be found taking or removing Malt from any Malthouse or Premises on the principal or outer Gate whereof the Words "Entered to make Malt to be used in distilling Spirits only" shall be painted, fixed, or placed, unless such Malt shall be removed under and accompanied by a Permit granted under the Provisions of this Act, or if any Person shall be found taking or removing Malt from any Distillery or the Premises thereto belonging, it shall be lawful for any Officer of Excise to arrest and detain such Person, and to convey him before a Justice of the Peace residing near the Place where such Arrest shall be made, and such Justice is hereby authorized and required to hear and determine, as soon afterwards as practicable, the Charge against the Person so arrested, and on the Confession of such Person, or on due Proof upon Oath of such Offence, to convict such Offender in the Penalty of *One hundred Pounds*, and the Person so convicted shall forthwith pay the said Penalty into the Hands of the said Officer, for the Order and Direction of the Commissioners of Inland Revenue, and in default thereof such Justice shall commit such Offender to any Gaol or Prison of the County, there to be kept to Hard Labour for any Period not exceeding *Six* Calendar Months nor less than *Two* Calendar Months, unless such Penalty shall be sooner paid.

No Abatement for Deficiencies on Spirits deposited in Warehouse less than Three Days.

XXVIII. And whereas by the Twenty-eighth Section of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-seven, certain Rates of Allowance or Abatement are directed to be made in respect of the Deficiencies which may occur in British Spirits warehoused without Payment of Duty: Be it enacted, That no such Allowance or Abatement shall be made on any Spirits which shall not be and remain deposited in a Warehouse for the Period of *Three* Days or more.

Brewer not to have raw or unmalted Grain in his Brewery or in Premises adjacent.

XXIX. And for preventing Fraud and Evasion of the Duty of Excise on Malt by the Use of raw or unmalted Corn or Grain in the brewing of Beer for Sale, be it enacted, That it shall not be lawful for any Brewer of Beer for Sale to have in his Brewery, or in any Premises belonging or adjacent thereto, whether the same shall be entered by him or not, any raw or unmalted Corn or Grain whatsoever, either whole or unground,

or ground or bruised, and all raw or unmalted Corn or Grain which shall be found in such Brewery or other Premises, and also all malted Corn or Grain, whether whole or unground, or ground or bruised, with which such raw or unmalted Corn or Grain may be mixed, shall be forfeited, and may be seized by any Officer of Excise, together with all Sacks, Casks, Vessels, or Packages in which such raw or unmalted Corn or Grain may be contained, and the Brewer for every such Offence shall forfeit the Sum of *Two hundred Pounds:* Provided always, that no such Penalty or Forfeiture shall be incurred in respect of any Oats or Beans bonâ fide intended to be used and consumed as Food for Horses, such Oats or Beans being in Premises of which such Brewer shall specially make Entry as Places for the Deposit of Horse Corn, and distinct from his entered Brewery Premises.

Malt used by Brewers to be ground by Metal Rollers only.

XXX. No Brewer of Beer for Sale shall have or use, for the Purpose of grinding, crushing, or bruising Malt, any Millstones, or any Mill constructed otherwise than with Metal Rollers only; and no Malt which shall be ground, crushed, or bruised by Millstones, or otherwise than by means of Metal Rollers only, shall be used by or be received into the Possession of any such Brewer; and if any such Brewer shall commit any Offence contrary to any of the Prohibitions contained in this Clause he shall forfeit the Sum of *Two hundred Pounds;* and all Malt which shall be found in the Possession of any such Brewer ground, crushed, or bruised in any Manner contrary to any such Prohibition shall also be forfeited, and may be seized by any Officer of Excise.

Excise Duties.

A

BILL

To impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively; and to amend the Laws relating to the Duties of Excise.

(*Prepared and brought in by the Chancellor of the Exchequer and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed,*
7 *June* 1855.

[Bill 162.]

Under 2 oz.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively; and to amend the Laws relating to the Duties of Excise.

[Note.—*The Clauses* A. *to* D. *were added in Committee.*]

Preamble.

WHEREAS it is expedient to impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom, and to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks of Excise now payable on such Spirits and Sugar and Molasses respectively: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties of Excise on Spirits distilled in

I. There shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, for and upon every Gallon of Spirits of the Strength of Hydrometer Proof which, on or after

Great Britain and Ireland.

the First Day of October One thousand eight hundred and fifty-five, shall be distilled within the United Kingdom, or be in the Stock, Custody, or Possession of any Distiller, or of any Person in trust for him, or for his Use, Benefit, or Account, or which, having been distilled within the United Kingdom, shall on or after the said Day be in Warehouse, and be taken out of Warehouse for Consumption within the United Kingdom, the respective Rates and Duties following; that is to say,

	£	*s.*	*d.*
In Great Britain - - -	0	8	0
In Ireland - - -	0	6	2

and so in proportion for any greater or less Degree of Strength, or any greater or less Quantity, in lieu of all other Duties of Excise on such Spirits chargeable under any Act in force.

Duties to be under the Management of the Commissioners of Inland Revenue, and to be collected under the Provisions of Acts in force relating to Excise.

II. The said Duties by this Act granted shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, collected, and paid in like Manner and by the same Ways and Methods by which other Duties of Excise on Spirits are or may be charged, collected, and paid; and all Powers, Provisions, Clauses, Regulations, and Directions, Forfeitures, Pains, and Penalties, contained in or imposed or made by or under the Authority of any Act relating to Duties of Excise, and in force at the Time of the passing of this Act, shall respectively extend, so far as the same are applicable, to the said Duties by this Act granted, and shall be observed, applied, enforced, and put in execution for collecting and securing of the said last-mentioned Duties, and otherwise in relation thereto (except so far as the same are altered or superseded by the Provisions of this Act), as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the said Duties by this Act granted.

Allowances on Spirits in Distillers Stock or in Warehouse.

III. And there shall be allowed and paid to the Distiller or Proprietor of all Spirits which, having been distilled within the United Kingdom from Wort or Wash made before the First Day of October One thousand eight hundred and fifty-five, shall on or after the said last-mentioned Day be in the Stock of any Distiller or in Warehouse, the several Allowances and Drawbacks of Excise following; that is to say, for and upon every Gallon of such last-mentioned Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Quantity, or any greater or less Degree of Strength, if such Spirits shall have been distilled from Malt only, under the Provisions and Regulations entitling the Distiller to the Allowance in that Behalf, the Allowance of Eightpence per Gallon; and if such Spirits shall have been distilled from any other Materials than Malt only, or otherwise than in conformity with such

such Provisions and Regulations, the Allowance of Twopence per Gallon.

Former Allowances in respect of Malt and on Sugar used in distilling to cease.

IV. On and after the First Day of October One thousand eight hundred and fifty-five all Allowances and Drawbacks of Excise granted by any former Act for or upon Spirits distilled in any Part of the United Kingdom, in respect of the Malt or other Materials used in making such Spirits, and for or upon Sugar and Molasses used in the Distillation of Spirits, shall respectively cease and determine, save and except as to Spirits distilled from Wort or Wash made before the said First Day of October.

Malt may be made and used free from Duty in distilling Spirits.

V. And from and after the passing of this Act it shall be lawful for any Distiller, or for any other Person who shall give such Security as herein-after required in that Behalf, such Distiller or other Person taking out a proper Licence as a Maltster, to make Malt, under the Provisions and Regulations of this Act, in a Malthouse approved by the Commissioners of Inland Revenue, for the sole Purpose of being consumed, on or after the First Day of October One thousand eight hundred and fifty-five, in the distilling of Spirits; and all Malt which shall be so made by a Distiller and consumed in his Distillery, and all Malt which shall be made by such other Person, and delivered into the Storeroom of a Distiller at his Distillery, shall respectively be free from the Duties of Excise chargeable on Malt: Provided always, that the Provisions, Regulations, Penalties, and Forfeitures contained in the several Acts of Parliament and now in force in relation to Maltsters, or the making of Malt, shall (except so far as the same are repealed, altered, or superseded by the express Provisions of this Act,) be observed, applied, and enforced with respect to Distillers or other Persons making Malt, and to the making of Malt, under the Provisions and Regulations of this Act.

Clause A. Persons other than Distillers making Duty-free Malt to give Security against Frauds.

VI. Provided always, That every Person, other than a Distiller, who shall intend to make Malt Duty-free, under the Provisions of this Act, shall enter into a Bond to Her Majesty, with Two or more sufficient Sureties, to the Satisfaction of the Commissioners of Inland Revenue, and in such Sum as the said Commissioners shall think proper, conditioned to the Purport or Effect following; (that is to say,) that such Maltster shall duly make into Malt all Corn and Grain which shall be received into his Malthouse, and shall not sell any Malt to any other Person than a Distiller, or take, send out, remove, or deliver from his Malthouse any Malt, or Corn or Grain, except Malt duly removed from his Malthouse to a Distillery under a Permit duly granted in that Behalf, and shall not convey away, hide, or conceal any Malt, or Corn or Grain, contrary to any of

the Provisions of this Act or of any Act in force in relation to Maltsters or the making of Malt; and the Condition of such Bond shall also contain all such further Terms and Stipulations as the Commissioners of Inland Revenue shall deem to be necessary or proper for preventing Frauds in relation to the Malt to be made by such Maltster; and such Maltster shall give a fresh Bond, with such Sureties as aforesaid, when and as often as he shall be required so to do by the said Commissioners, and in default thereof he shall not be entitled to make Malt Duty-free, under the Provisions of this Act.

Distillers on giving Security to have Duty-free Sugar and Molasses delivered to them, to be used in the distilling of Spirits.

VII. And from and after the Fifteenth Day of September One thousand eight hundred and fifty-five every Distiller who shall have given Security by Bond to Her Majesty, with Sureties, to the Satisfaction of the Commissioners of Customs, in the Manner and for the Purpose herein-after mentioned, shall be entitled to remove Sugar and Molasses, without previously paying the Duties of Customs thereon, from any Customs Warehouse in which the same may be deposited to the proper Storeroom at his Distillery provided for Sugar and Molasses, pursuant to the Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of Her Majesty's Reign, Chapter One hundred, for the sole Purpose of being consumed, on or after the First Day of October One thousand eight hundred and fifty-five, in the distilling of Spirits in his Distillery; and all such Sugar and Molasses which shall be so consumed shall be free from the Duties of Customs: Provided always, that the Provisions, Regulations, Penalties, and Forfeitures contained in the said last-mentioned Act in relation to Sugar and Molasses on which the Duties of Customs have been paid shall be observed, applied, and enforced respectively in relation to Sugar and Molasses to be removed as aforesaid, under the Provisions of this Act, without the previous Payment of the said Duties.

Distiller to give Bond, with Sureties, conditioned to secure the due Consumption of Duty-free Sugar and Molasses in the distilling of Spirits.

VIII. Every Distiller who shall intend to use Sugar or Molasses Duty-free in the distilling of Spirits, under the Provisions of this Act, shall enter into a Bond to Her Majesty, with Two or more sufficient Sureties to the Satisfaction of the Commissioners of Customs, and in such Sum as the said last-mentioned Commissioners shall think proper, conditioned to the Purport or Effect following; (that is to say,) that all Sugar and Molasses which shall be from Time to Time delivered to him from any Warehouse without Payment of the Duties of Customs thereon shall be forthwith duly conveyed to and deposited in a Store-room for Sugar and Molasses provided at his Distillery, pursuant to the said Act of the Eleventh and Twelfth Years of Her Majesty's Reign, and that all such Sugar and Molasses shall from Time to Time, within the Space of One Calendar Month next after the

the Delivery thereof from any such Warehouse, be used and consumed by such Distiller solely in the distilling of Spirits in his Distillery; and the Condition of every such Bond shall also contain all such further Terms and Stipulations as the Commissioners of Customs shall deem to be necessary or proper for preventing Frauds in relation to the Use or Disposal of Sugar or Molasses delivered Duty-free under the Provisions of this Act; and the Distiller shall give a fresh Bond, with such Sureties as aforesaid, when and as often as he shall be required so to do by the said last-mentioned Commissioners, and in default thereof he shall not be entitled to have Sugar or Molasses Duty-free under the Provisions of this Act.

Distiller and Maltster to make Entry of his Malthouse, and to provide a Kiln adapted for securing the Malt whilst drying.

IX. Every Distiller and Maltster respectively who shall make Malt to be consumed as aforesaid Duty-free shall make due Entry of every Malthouse in which he shall make such Malt as a Place to be used for that Purpose only, and shall provide therein a proper and secure Kiln, approved in Writing by the proper Collector and Supervisor of the District, and to be entered and used for the drying of such Malt, and for securing the same during the Process of drying, and until it shall be removed from such Kiln in the Manner herein directed; and such Kiln shall at all Times be kept locked up by the Officer, who shall not be required to unlock or open the same, except upon Notice in Writing to be given to him on behalf of the Distiller, and for a reasonable and proper Object, to be specified in such Notice: Provided always, that it shall be lawful for any such Distiller or Maltster to use such Kiln for the drying of Barley, under such Regulations and Restrictions as the Commissioners of Inland Revenue may make in that Behalf.

Clause B. Distillers to make Entry of Kilns used for drying Barley or other Corn or Grain.

X. Provided always, That every Distiller who shall have or make use of any Kiln for the drying of Barley or other Corn or Grain, wheresoever such Kiln may be situated, and although the same may not be used for the drying of Malt, shall make Entry of such Kiln with the proper Officer of Excise as a Building or Place used by such Distiller in carrying on his Trade or Business, under the Penalty imposed by Law in that Behalf for any Neglect or Omission to make such Entry.

If Malthouse more than a Mile from a Market Town, Distiller or Maltster to provide Lodgings for the Officer.

XI. If any such Malthouse as aforesaid shall be situated at a greater Distance than One Mile by the nearest Highway from a Market Town, the Distiller or Maltster shall provide (if required so to do by the Commissioners of Inland Revenue) a House or Lodgings or Rooms fit and proper for the Residence of the Officer having the Survey of such Malthouse, the same to be situated within the Distance aforesaid from such Malthouse, and to be approved by the

the said Commissioners, and at a reasonable Cost or Rent, not exceeding Ten Pounds a Year, to be paid by such Officer for the same: Provided always, that such House, Lodgings, or Rooms shall not form any Part of the Dwelling House, Residence, Distillery, or Malthouse of such Distiller or Maltster.

Secure Rooms to be provided for the Purposes herein expressed.

XII. Every Distiller and every such Maltster as aforesaid shall also provide safe and secure Rooms, approved in Writing by the proper Collector and Supervisor of the District, and to be entered and used by such Distiller and Maltster respectively for the several Purposes herein-after expressed; (that is to say,) a Room at the Malthouse of such Distiller or Maltster to be entered and used as a Storeroom for depositing Malt therein immediately on the Removal thereof from the Kiln, and such Room shall be so situated with respect to such Kiln as that the Officer attending the Removal of Malt from the Kiln shall be enabled at One View to see the same taken from the Kiln and carried directly into such Storeroom, or if the Situation of such Storeroom will not admit of such View, then the Communication between the Kiln and the Storeroom shall be by an enclosed and covered Passage having no other Communication, or otherwise the Removal of all such Malt from the Kiln to the Storeroom shall be ensured to the Satisfaction of the Commissioners of Inland Revenue by such Ways and Means as they shall require or approve of, to be adopted by or at the Expense of the Distiller or Maltster; and if such Storeroom shall not be at the Distillery of the Person making such Malt, then the Distiller shall also provide a Room at his Distillery, to be entered and used by him as a Storeroom for depositing Malt therein, on the Removal thereof from the Malthouse to the Distillery, previously to the grinding of such Malt; and every Distiller shall also provide a Room at his Distillery, to be called the Millroom, and to be entered and used by him for the grinding of Malt therein; and all Malt to be used in the Distillery shall be ground by Metal Rollers only; and the Removal of such Malt to and from such Millroom, and the grinding thereof, and the depositing and securing of the same afterwards, shall be under and subject to such Rules and Regulations as the Commissioners of Inland Revenue may from Time to Time make in that Behalf; and all such Rooms so to be provided as aforesaid shall be properly secured to the Satisfaction of the said Collector and Supervisor, and shall be at all Times kept locked by the proper Officer of Excise, and neither the Distiller nor Maltster nor their respective Servants or Workmen shall be admitted therein, except upon due Notice in Writing given to such Officer, in the Manner and for the Purposes directed by this Act.

A Storeroom at the Malthouse for the Deposit of Malt on Removal from the Kiln.

A Storeroom at the Distillery for Malt on Removal from the Malthouse.

Also a Millroom at the Distillery for grinding Malt.

All such Rooms to be properly secured.

XIII. Where-

All Fastenings (except Locks) for the Security of Kilns and other Rooms to be provided at the Expense of the Distiller.

XIII. Wherever any Kiln, Room, or Place is by this Act directed to be kept locked or secured by the Officer of Excise, all fit and proper Fastenings (except Locks) for the Purpose of enabling such Officer to affix Locks thereto, or otherwise to secure such Kiln, Room, or Place, shall be provided and affixed, and renewed from Time to Time, by the Distiller or Maltster, to the Satisfaction of the proper Collector and Supervisor for the Time being, or otherwise such Collector or Supervisor shall provide and affix or renew such Fastenings, at the Expense of such Distiller or Maltster; and if any Distiller or Maltster shall neglect or refuse to pay to such Collector or Supervisor the Cost or Expense incurred by him in providing, affixing, or renewing any such Fastening, such Distiller or Maltster shall forfeit the Sum of One hundred Pounds; and if such Distiller or Maltster, or his Servant or Workman, shall wilfully destroy, damage, or injure any such Fastening as aforesaid, by whomsoever provided or affixed, or any Lock or Key belonging thereto, or shall by any Means open, take off, or remove any such Lock or Fastening, or make any Way or Entrance or improperly gain Access or Admittance into any such Kiln, Room, or Place, such Distiller or Maltster shall for every such Offence, whether committed by himself or his Servant or Workman, forfeit the Sum of Two hundred Pounds.

Penalty for refusing to defray such Expense, or for removing or damaging Locks or Fastenings.

Commissioners may revoke Approval of Malthouse, Kiln, or Storerooms, and require Alterations or additional Fastenings.

XIV. It shall be lawful for the Commissioners of Inland Revenue at any Time to revoke the Approval of any Malthouse, Kiln, Storeroom, or Millroom, or the Mode of Communication between any Kiln and Storeroom provided under this Act, which may have been approved of either by the said Commissioners or by the Collector and Supervisor of Excise, or either of them, and to require the Distiller or Maltster to provide another proper and secure Malthouse, Kiln, or Room in lieu thereof, or to make any Alteration therein, to the Satisfaction of the said Commissioners; and in case of the Refusal or Neglect of the Distiller or Maltster to comply with any Requisition of the said Commissioners in that Behalf, all Malt of such Distiller or Maltster then being at his Malthouse or Distillery, and all Malt thereafter made by him, until he shall so comply, shall be charged with the proper Duty of Excise on Malt, and the Amount of such Duty shall be paid to the proper Collector immediately after the Charge thereof shall have been made.

Allowance on Cistern or Couch Gauges to be 17 per Cent.

XV. In respect of all Corn or Grain in process of making into Malt in any such Malthouse as aforesaid, the Allowance to be made upon the Gauges thereof during the Time that the same shall be in the Cistern, or in the Couch Frame, whilst directed by Law to be deemed and gauged as in Couch, shall be at the Rate of Seventeen

Bushels only for every One hundred Bushels of the whole Quantity of the Corn or Grain so found by such Gauge.

Notice to be given to load the Kiln, and Officer to attend.

XVI. Every Distiller and Maltster who shall make Malt under the Provisions of this Act shall give Six Hours Notice in Writing to the proper Officer of Excise of the Day and the particular Hour when he shall intend to place any Grain upon the Kiln, and shall specify in such Notice the Floor of Corn or Grain, and the particular Portion thereof, whether the whole or the First or Second Portion, intended to be placed on the Kiln, and for this Purpose no Floor shall be divided into more than Two Portions; and the Officer shall attend pursuant to such Notice, and unlock the Door of the Kiln, and permit the loading thereof with Grain, conformably with such Notice: Provided always, that the loading of the Kiln shall not take place at any other Time than between the Hours of Five o'Clock in the Morning and Seven o'Clock in the Evening, and that such loading shall be completed within the Space of Two Hours from the Time specified in such Notice; and in default thereof the Door of the Kiln shall be again locked by the Officer.

Officer to admit the Workmen into the Kiln to stir the Grain from Time to Time, pursuant to Notice.

XVII. Immediately after the loading of the Kiln, the Officer shall again lock up and secure the same, but during the Time that any Grain shall be upon the Kiln the Officer shall attend and admit the Workmen into the Kiln, for the Purpose of turning or stirring such Grain, from Time to Time and at such Times as shall be specified in any Notice in Writing which may be given to him for that Purpose, on behalf of the Distiller or Maltster, Six Hours at the least before the Attendance of such Officer shall be required for the Purpose aforesaid: Provided always, that the Officer shall not be required to unlock the Kiln oftener than Four Times in any One Day, nor at any Time between the Hours of Nine o'Clock in the Evening and Five o'Clock in the Morning, or to allow the Kiln to remain open or unlocked, for the Purpose aforesaid, for a greater Length of Time than Half an Hour on any One Occasion.

Notice to be given for Removal of Malt from the Kiln.

Malt to be measured, and Deficiency charged with Duty.

XVIII. Every such Distiller and Maltster respectively shall give to the proper Officer Twelve Hours Notice in Writing of the Day, and particular Hour of the Day, not earlier than Five o'Clock in the Morning nor later than Seven o'Clock in the Evening, when such Distiller or Maltster shall intend to remove the Malt from the Kiln; and the Officer shall attend according to such Notice, and the Malt shall be forthwith measured in his Presence, and from the Quantity of Malt found according to such measuring a Deduction shall be made at the Rate of Five per Centum for Heat Commings or Roots, and the unclean State of such Malt; and if the Quantity after such Deduction shall

shall prove to be less than the Quantity which was given by the highest Gauge of the Grain whilst in the Process of making into Malt, deducting the proper Allowance in that Behalf, the Deficiency shall be charged with the Duty of Excise on Malt, and the Distiller or Maltster shall forthwith pay the Amount of such Duty to the proper Collector of Excise; and all the Malt upon the Kiln, after having been so measured, shall be removed therefrom, and carried, in the Presence of the Officer, directly into the Storeroom to be provided and entered by the Distiller or Maltster for that Purpose as aforesaid, and shall be locked up and secured therein by such Officer: Provided always, that it shall be lawful for the Distiller or Maltster, if he shall think fit, to screen such Malt on the Kiln before the same shall be measured, and if the same shall be so screened then no Deduction shall be made from the Quantity found by such measuring, and the Distiller or Maltster shall be charged with Duty in respect of so much only as the actual Quantity so found shall be deficient of the Quantity given by such highest Gauge as aforesaid.

Removal of Malt from the Storeroom at the Malthouse to the Storeroom at the Distillery.

XIX. When the Distiller or Maltster shall desire to remove any Malt from the Storeroom at his Malthouse to the Storeroom at a Distillery, he shall give Twelve Hours Notice in Writing to the proper Officer of Excise of the Time when and the Rooms and Places to and from which he intends to remove such Malt, and the Quantity thereof which he intends to remove; and such Officer shall attend pursuant to such Notice at the Storeroom from which such Malt is to be removed, to unlock the Door thereof, and see measured or weighed out therefrom the Quantity of Malt expressed in such Notice; and such Officer may take Samples of the Malt to be removed, and shall grant a Permit for the Removal of such Malt from and to the several Storerooms expressed in such Notice; and there shall be expressed in such Permit the Time for which the same shall be in force, such Time being a reasonable and sufficient Time for such Removal, and also the Measure or Weight of such Malt; and if such Distiller or Maltster shall not duly remove all such Malt, and deposit the same, according to the Terms of such Permit, or shall remove the same or any Part thereof to any other Place than that expressed in such Permit as the Place to which such Malt is to be removed, or if the Weight of the Malt deposited in such last-mentioned Place shall differ by more than Two and a Half per Centum, or if the Measure thereof shall differ by more than Five per Centum, from the Weight or Measure of Malt expressed in such Permit, such Distiller or Maltster shall forfeit the Sum of Two hundred Pounds, and all such Malt shall be forfeited, and may be seized by any Officer of Excise; and if any such Malt shall be found removing or removed without being or having been accompanied by a Permit

duly granted, or accompanied by a Permit expired or out of Force, or which shall not agree with the Time or Manner of the Removal of such Malt, or in which the Weight or Measure of Malt authorized to be removed shall differ more than after the respective Rates aforesaid from the Weight or Measure of the Malt removing or removed under Colour thereof, all such Malt shall also be forfeited and may be seized by any Officer of Excise.

Malt to be removed from Malthouse to Distillery in Sacks containing Four Bushels or 168 Pounds each.

XX. All Malt intended to be removed from a Storeroom at the Malthouse to a Storeroom at the Distillery shall be contained in Sacks, and each Sack shall contain the exact Quantity of Four Bushels of Malt by Measure, or One hundred and sixty-eight Pounds by Weight, secured therein in such Manner as the Commissioners of Inland Revenue may direct.

Twelve Hours Notice to be given for Removal of Malt from the Storeroom to the Millroom.

XXI. And when the Distiller shall desire to remove any Malt from the Storeroom at his Distillery to the Millroom, for the Purpose of being ground, he shall give Twelve Hours Notice in Writing to the proper Officer of Excise, specifying in such Notice the Quantity of Malt intended to be so removed; and the Officer shall attend in pursuance of such Notice, and see measured or weighed, or, if he shall think fit, both measured and weighed, the Quantity of Malt specified in such Notice, and such Malt shall be forthwith conveyed, in the Presence of the Officer, into the Millroom, and be there locked up and secured by the Officer; and before the Removal of any Malt, after the grinding thereof, to the Mash Tun, the Distiller shall give to the proper Officer Four Hours previous Notice in Writing, specifying the Quantity thereof to be mashed, and the Officer shall attend accordingly and deliver out such Malt, and the same shall be forthwith mashed in his Presence.

Four Hours Notice for Removal of Malt to the Mash Tun.

Distillers and Maltsters to enter in Books Particulars of Malt received into and removed from their Storerooms.

XXII. Books prepared with proper Columns for such Purposes as herein-after mentioned shall be delivered by the proper Officer of Excise to every Distiller and to every such Maltster, to be kept by them respectively at every such Storeroom as aforesaid, and whenever any Malt shall be received into or removed from any such Storeroom, the Distiller or Maltster shall enter in such Book as aforesaid, and in the proper Columns prepared for the Purpose, the Quantity of Malt, in Bushels and in Pounds Weight, if the same shall be weighed, received into or removed from the Storeroom, and in the Case of Malt removed the Number of Sacks and the Weight of the Malt contained therein; and he shall also enter in such Book the particular Day and Hour of the Day when any such Malt was received into or removed from the Storeroom, and the particular Place from or to which the same was received or removed; and if any Distiller or any such Maltster as aforesaid shall not keep such

Book

Book as aforesaid, or shall not write and truly make therein all such Entries as aforesaid, or shall make any false Entry therein, or cancel, obliterate, or destroy or alter any Entry therein, or shall not deliver up any such Book to any Officer of Excise demanding the same, or shall refuse to permit such Officer to make any Minute therein, or to take any Extract therefrom, or shall conceal or convey away the same, or destroy or tear out any Leaf therefrom, such Distiller or Maltster shall for every such Offence forfeit the Sum of One hundred Pounds.

Malt remaining in Storeroom to be measured; Balance of Account to be struck of Malt received and delivered, and Duty to be charged on Deficiency. Excess to be forfeited.

XXIII. From Time to Time, when and as often as the Officer of Excise shall deem it to be necessary or proper, and at least once in every Year, the Stock of Malt remaining in any such Storeroom as aforesaid shall be measured or weighed in the Presence of the Officer, and a Balance shall be struck of the Account of Malt received into and delivered out of such Storeroom; and if the Quantity of Malt then remaining in such Storeroom, according to such measuring or weighing, shall be deficient by more than Three per Centum by Measure, or One per Centum by Weight, (computed as herein-after mentioned,) of the Quantity which, according to the Balance of such Account, ought to be found therein, the Distiller or Maltster shall be charged with the Duty of Excise on Malt for the whole Quantity deficient; and if at any Time the whole of the Malt shall be removed from any such Storeroom, and upon striking such Balance there shall appear to be any such Deficiency exceeding the Rate aforesaid, the Distiller or Maltster shall also be charged with the said Duty on the whole of such Deficiency, and in every such Case as aforesaid the Distiller or Maltster shall forthwith pay the Amount of the Duty so charged upon him to the proper Collector of Excise; and if at any Time, upon striking such Balance as aforesaid, there shall be found in any such Storeroom a Quantity of Malt exceeding by more than Three per Centum the Quantity which, according to the Balance of such Account, ought to be found therein, the whole Quantity of such Excess shall be forfeited, and may be seized by any Officer of Excise; and on the striking of such Balance as aforesaid the said respective Rates per Centum shall be computed and allowed on the whole Quantity of Malt received into the Storeroom since the First Entry and Use thereof as such Storeroom, if there shall have been no previous Stock-taking, or on the whole Quantity received since the last Stock-taking, and also on the Quantity then remaining in such Storeroom, as the Case may be; and for the Purpose of charging the Duty on any such Deficiency as aforesaid, where the Stock Account of Malt in any such Storeroom shall be kept by Weight, Forty Pounds Weight of Malt shall be deemed to be equal to a Bushel of Malt, and the Duty of Excise chargeable on a Bushel of Malt

shall be charged accordingly on every Forty Pounds Weight of the Quantity of Malt deficient.

CLAUSE C. Malt to be either measured or weighed, or both, as the Commissioners may order.

XXIV. In all Cases where Malt in any Storeroom, or on the Removal thereof to or from any Storeroom, is by this Act directed to be measured or weighed, it shall be lawful for the Commissioners of Inland Revenue, by any Order or Regulation from Time to Time by them in that Behalf made, to determine and direct that such Malt shall be either measured or weighed, or both measured and weighed, and that any Account thereof shall be taken and kept either by Measure or Weight, as the said last-mentioned Commissioners shall think fit.

Distiller and Maltster to provide a Bushel Measure and Scales and Weights, and assist Officer in measuring and weighing Malt.

XXV. Every Distiller and every such Maltster as aforesaid shall provide and keep at his Malthouse and also at his Distillery, and in such proper and convenient Place therein respectively as the Supervisor of Excise shall approve, a correct Bushel Measure, and also just and true Scales and Weights, properly adapted for the weighing of Malt in Sacks, and shall permit any Officer of Excise to use such Measure and Scales and Weights for the Purpose of measuring, weighing, and taking an Account of all or any Malt in the Possession of such Distiller or Maltster; and every such Distiller and Maltster respectively, with his Servants and Workmen, shall, whenever thereto required by any Officer of Excise, measure and weigh, and aid and assist the Officer in measuring and weighing and taking Account of such Malt as aforesaid; and if any Distiller or any such Maltster as aforesaid shall refuse or neglect to provide and keep such Bushel Measure, or to provide and keep such Scales and Weights, in such Place as aforesaid, or shall refuse to permit any Officer of Excise to use the same, or refuse or neglect, whenever thereto required as aforesaid, with his Servants or Workmen, to measure or weigh any such Malt, or to aid and assist the Officer in measuring or weighing and taking Account of the same as aforesaid, such Distiller or Maltster shall for every such Offence forfeit the Sum of One hundred Pounds; and if any Measure which shall be provided or kept by such Distiller or Maltster at his Malthouse or Distillery as or for such Bushel Measure as aforesaid shall not be a true and correct Bushel Measure, or if any Scales or Weight which shall be so provided or kept as aforesaid shall be false or unjust, or if any Distiller or Maltster shall use or cause or permit or suffer to be used any false, unjust, or insufficient Measure, Scales, or Weight in the measuring or weighing of any Malt by or on the Requisition of any Officer of Excise, or shall practise any Art, Device, or Contrivance by which any Officer may be hindered or prevented from taking the just and true Quantity, Measure, or Weight of any Malt, such Distiller or Maltster

Maltster shall forfeit the Sum of Two hundred Pounds for every such Offence; and all false, unjust, or insufficient Measures, Scales, and Weights respectively shall be forfeited, and may be seized and taken away by any Officer of Excise.

Distiller to deliver an Account of the Malt, Sugar, and Molasses used in every distilling Period, verified by Declaration.

XXVI. Every Distiller shall at the End of every distilling Period deliver to the proper Officer an Account in Writing of the Number of Bushels of Malt, and the true Quantity of Sugar and Molasses, (specifying the same and the Quantities thereof respectively,) actually used in making the Wort or Wash distilled during such Period; and the Officer shall transmit such Account, together with a Return in Writing signed by him, to the Collector of Excise, specifying the Number of Bushels of Malt, and the Quantities of Sugar and Molasses respectively so used, and the Quantity of Proof Spirits with which such Distiller shall have been charged in respect of such Wort or Wash; and the Distiller or the principal Manager of his Distillery shall make and subscribe a Declaration to the Truth of such Account in the Form or to the Effect following:

'I A.B., Distiller [or principal Manager, as the Case may be,]
'of the Distillery at do solemnly declare,
'That within the Brewing Period commencing on the
'Day of and ending on the Day
'of both inclusive, there were actually mashed and
'used in the said Distillery, and consumed in the distilling of
'Spirits therein, the several Quantities of Malt and of Sugar and
'Molasses respectively herein-after specified, and no more; (that is
'to say,) Bushels of Malt,
'Pounds of Sugar, and Pounds of Molasses
'[or as the Case may be]; and all this I declare to the best of my
'Knowledge and Belief, and according to the best Information in
'my Power to obtain.'

And in default of such Declaration being made, or if any such Declaration shall be untrue, the Distiller shall forfeit the Sum of Two hundred Pounds.

Distillers and Maltsters to designate their Malt-houses by painting Words on the principal Entrance.

XXVII. Every Distiller or other Person who shall make Malt under the Provisions of this Act shall paint or place and fix in Letters distinctly legible, Three Inches at the least in Height, and of a proper and proportionate Breadth, conspicuously upon the principal Gate, Door, or Entrance of his Malthouse, his Christian and Surname, together with the Words "Entered to make Malt to be used in distilling Spirits only," and shall preserve and keep the same so painted or placed and fixed, and shall repaint and renew the same as

often as Occasion shall require, upon pain of forfeiting the Sum of Twenty Pounds for any Refusal or Neglect to comply in any Particular with the several Directions aforesaid in this Clause contained.

Malt, Sugar, or Molasses not to be sold by a Distiller.

XXVIII. It shall not be lawful for any Distiller to sell any Malt, Sugar, or Molasses, or to send out or deliver any Malt, Sugar, or Molasses from any Malthouse, Distillery, or other Premises belonging to him; and every Person who shall knowingly buy any Malt, Sugar, or Molasses from a Distiller, or who shall take or receive any Malt, Sugar, or Molasses from a Distillery or any Malt from any Malthouse or Premises on the principal or outer Gate whereof the Words "Entered to make Malt to be used in distilling Spirits only" shall be painted, fixed, or placed, shall forfeit the Sum of One hundred Pounds; and if any Distiller shall sell any Malt, Sugar, or Molasses, or take or send out or remove any Malt from his Malthouse (except Malt duly removed therefrom to his Distillery under a Permit granted in that Behalf), or take or send out or remove any Malt, Sugar, or Molasses from his Distillery, or if any Distiller shall not use all Corn or Grain received at his Malthouse by making the same into Malt, and consume all such Malt in his Distillery, or shall convey away, hide, or conceal any Malt, or Corn, or Grain, or any Sugar or Molasses; such Distiller shall for every such Offence forfeit the Sum of Two hundred Pounds; and all Malt, Sugar, and Molasses which shall be found in any Distillery or the Premises belonging thereto, otherwise than in the proper Storeroom or Millroom, or in the Mash Tun, or being duly removed to or from any such Places in the Manner directed or allowed by this Act, shall be deemed to be conveyed away, hidden, and concealed by the Distiller, and shall subject him to the said Penalty in that Behalf; and all Malt, Corn, and Grain, and all Sugar and Molasses, which shall be respectively sold, sent out, delivered, or received, or conveyed away, hidden, or concealed, contrary to any of the Provisions of this Act, shall be forfeited, and may be seized by any Officer of Excise.

Commissioners may revoke the Licence of a Distiller or Maltster on a Second Conviction of certain specified Offences.

XXIX. And if any Distiller shall be convicted of any of the several Offences specified in the last preceding Clause of this Act, and shall afterwards be again convicted either of the like Offence or of any other of the said several Offences specified as aforesaid, or if after Judgment shall be obtained against any Maltster upon the Bond entered into by him under the Provisions of this Act, by reason of any Breach of the Condition thereof, he shall do any Act which shall be a Breach of the Condition of any such Bond subsequently entered into by him, and by reason thereof Judgment shall be obtained against him upon such last-mentioned Bond, it shall be lawful

lawful for the Commissioners of Inland Revenue, and they are hereby empowered, to revoke and annul the Licence granted to such Distiller or Maltster, as the Case may be, and to refuse to grant to him any further Licence, either as a Distiller or a Maltster, at any Time thereafter, and also to refuse to grant during the Space of One Year any such Licence to any other Person to exercise the like Trade or Business at the same Premises where the Act or Offence which shall be the Ground of such Second Conviction or Judgment as aforesaid was done or committed.

Persons found unlawfully removing Malt from a Distiller's Malthouse or a Distillery may be arrested and summarily dealt with.

XXX. And if any Person shall be found taking or removing Malt, or any Corn or Grain making into Malt, from any Malthouse or Premises on the principal or outer Gate whereof the Words "Entered to make Malt to be used in distilling Spirits only" shall be painted, fixed, or placed, unless in the Case of Malt the same shall be removed under and accompanied by a Permit granted under the Provisions of this Act, or if any Person shall be found taking or removing any Malt, Sugar, or Molasses, or any Wort or Wash, from any Distillery or the Premises thereto belonging, it shall be lawful for any Officer of Excise to arrest and detain such Person, and to convey him before a Justice of the Peace residing near the Place where such Arrest shall be made; and such Justice is hereby authorized and required to hear and determine, as soon afterwards as practicable, the Charge against the Person so arrested, and on the Confession of such Person, or on due Proof upon Oath of such Offence, to convict such Offender in the Penalty of One hundred Pounds; and the Person so convicted shall forthwith pay the said Penalty into the Hands of the said Officer, for the Order and Direction of the Commissioners of Inland Revenue, and in default thereof such Justice shall commit such Offender to any Gaol or Prison of the County, there to be kept to Hard Labour for any Period not exceeding Six Calendar Months nor less than Two Calendar Months, unless such Penalty shall be sooner paid.

No Abatement for Deficiencies on Spirits deposited in Warehouse less than Three Days.

XXXI. And whereas by the Twenty-eighth Section of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-seven, certain Rates of Allowance or Abatement are directed to be made in respect of the Deficiencies which may occur in British Spirits warehoused without Payment of Duty: Be it enacted, That no such Allowance or Abatement shall be made on any Spirits which shall not be and remain deposited in a Warehouse for the Period of Three Days or more.

Clause D. Malting Barley or

XXXII. And for amending the Laws relating to the Duties of Excise on Malt, be it enacted, That all Barley making into Malt in any

other Corn how long to be kept in operation.

any Malthouse shall be kept in operation for the full Period of One hundred and sixty-eight Hours at the least from the Time of the same being removed from the Cistern into the Couch Frame before the same or any Portion of it shall be placed on the Kiln; and all other Corn or Grain making into Malt shall be kept in operation for such Period of Time as the Commissioners of Inland Revenue shall order or direct in that Behalf; and if any Maltster shall place on the Kiln any Barley making into Malt which shall not have been kept in operation for the full Period directed by this Act, or any other Corn or Grain making into Malt which shall not have been kept in operation for such Period of Time as the said last-mentioned Commissioners shall order or direct in that Behalf, every such Maltster so offending shall forfeit the Sum of Two hundred Pounds.

Brewer not to have raw or unmalted Grain in his Brewery or in Premises adjacent.

XXXIII. And for preventing Fraud and Evasion of the Duty of Excise on Malt by the Use of raw or unmalted Corn or Grain in the brewing of Beer for Sale, be it enacted, That it shall not be lawful for any Brewer of Beer for Sale to have in his Brewery, or in any Premises belonging or adjacent thereto, whether the same shall be entered by him or not, any raw or unmalted Corn or Grain whatsoever, either whole or unground, or ground or bruised, except Corn or Grain, not ground or bruised, being in Premises entered by such Brewer for the Purpose of making Malt; and all raw or unmalted Corn or Grain which shall be found in such Brewery or other Premises (except as aforesaid), and also all malted Corn or Grain, whether whole or unground, or ground or bruised, with which such raw or unmalted Corn or Grain may be mixed, shall be forfeited, and may be seized by any Officer of Excise, together with all Sacks, Casks, Vessels, or Packages in which such raw or unmalted Corn or Grain may be contained, and the Brewer for every such Offence shall forfeit the Sum of Two hundred Pounds: Provided always, that no such Penalty or Forfeiture shall be incurred in respect of any Oats or Beans bonâ fide intended to be used and consumed as Food for Horses, such Oats or Beans being in Premises of which such Brewer shall specially make Entry as Places for the Deposit of Horse Corn, and distinct from his entered Brewery Premises.

Malt used by Brewers to be ground by MetalRollers only.

XXXIV. No Brewer of Beer for Sale shall have or use, for the Purpose of grinding, crushing, or bruising Malt, any Millstones, or any Mill constructed otherwise than with Metal Rollers only; and no Malt which shall be ground, crushed, or bruised by Millstones, or otherwise than by means of Metal Rollers only, shall be used by or be received into the Possession of any such Brewer; and if any such Brewer shall commit any Offence contrary to any of the Prohibitions contained

contained in this Clause he shall forfeit the Sum of Two hundred Pounds; and all Malt which shall be found in the Possession of any such Brewer ground, crushed, or bruised in any Manner contrary to any such Prohibition shall also be forfeited, and may be seized by any Officer of Excise.

Excise Duties.

A

BILL

[AS AMENDED IN COMMITTEE]

To impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively; and to amend the Laws relating to the Duties of Excise.

(*Prepared and brought in by the Chancellor of the Exchequer and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed.*
29 *June* 1855.

[Bill 206.]

Under 2 oz.

Fairs and Markets (Ireland) Bill.

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SCHEDULE.

(Ireland.)

A

B I L L

FOR

The Regulation of Fairs and Markets in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS it is expedient to make further Provision for the Regulation of Markets and Fairs in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms used in this Act.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Expression "the Lord Lieutenant" or "Lord Lieutenant of Ireland" shall include any other Chief Governor or Governors of Ireland; the Expression "Lord Lieutenant in Council" shall mean the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in Ireland; the Word "County" shall include Riding or other Division of a County having a separate Commission of the Peace, and shall also include a County of a City or County of a Town; the Word "Town" shall mean and include a City, Town Corporate, Borough, Market Town, or other Town in Ireland; the Expression "the Commissioners" shall mean the Commissioners under this Act; the Expression "Special Commissioners" shall mean One or more competent Persons to be appointed from Time to Time by the Lord Lieutenant for the Purposes of this Act in case the Office of Commissioners under this Act shall have been discontinued; the Word

"Lord Lieutenant."

"Lord Lieutenant in Council."

"County."

"Town."

"Commissioners."

"Special Commissioners."

"Owner." "Owner" shall include any Body of Commissioners or other Person entitled to any Tolls or Customs in respect of any Market or Fair;

"Tolls." the Expression "Tolls" shall extend to and include all Stallages, Rents, Fees, and other Dues whatsoever payable by any Person using or frequenting any Market or Fair;

"Cattle." the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine;

"Collector." the Expression "the Collector" shall mean the Person appointed by the Person or Persons entitled to the Tolls in any Market or Fair to collect the Tolls authorized by this Act, and shall include the Assistants of the Collector;

"Superior Courts." "Justice." the Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Dublin; the Word "Justice" shall mean Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and if such Matter arise in respect of any Market or Fair situated not wholly in any One Jurisdiction shall mean a Justice acting for the Place where any Part of such Market or Fair shall be situated;

"Person." the Word "Person" shall include a Corporation, whether aggregate or sole.

Short Title. II. In citing this Act in other Acts of Parliament and in legal Instruments, and in pleading, it shall be enough to use the Expression "The Markets and Fairs (Ireland) Act, 1854."

Commissioners to be appointed by the Lord Lieutenant. III. It shall and may be lawful for the Lord Lieutenant of Ireland, for the Time being, by Warrant under his Hand, to appoint Two or more Persons to be Commissioners under this Act, to be continued in Office so long as the Lord Lieutenant shall deem necessary, and upon every Vacancy in the Office of any such Commissioner, in like Manner to appoint some other Person to such Office; and the said Persons to be from Time to Time appointed shall be Commissioners for the Execution of this Act, and shall be styled "The Commissioners of Markets and Fairs in Ireland."

Commissioners to have a Common Seal. IV. The said Commissioners or the Special Commissioners to be appointed as herein after provided shall cause to be made a Seal for their Commission, and shall cause to be sealed therewith all Orders and other Instruments made by or proceeding from the Commissioners or Special Commissioners in pursuance of this Act; and all such Orders and other Instruments, or Copies thereof, purporting to be sealed with the Seal of the Commissioners or Special Commissioners, shall be received in Evidence without any further Proof thereof.

One Commissioner may act alone. V. All Acts, Matters, and Things which the Commissioners are by any of the Provisions of this Act required or authorized to do or execute shall and may be done and executed by any Two of such Commissioners.

VI. It

Salaries to be paid out of Monies to be provided by Parliament.

VI. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct Salaries, not exceeding Pounds per Annum, to be paid to the Commissioners appointed under this Act; and such Salaries, and all incidental Expenses of carrying this Act into execution, if any such Expenses be incurred, not herein otherwise provided for, shall be paid out of such Monies as shall be provided by Parliament.

Power to Commissioners to summon Witnesses.

VII. It shall be lawful for the Commissioners or the Special Commissioners appointed as herein-after provided, by Summons under their Seal, to require the Attendance before them, at a Time and Place to be mentioned in such Summons, of all such Persons as they shall think fit to examine in relation to any Inquiry directed or authorized by this Act, or any Question or Matter depending before them, and to require all such Persons to produce before them all Deeds, Books, Papers, Documents, and Writings relating to such Question or Matter, and to examine upon Oath all Persons who shall attend under such Summons, and all Persons who shall voluntarily attend before them as Witnesses; and it shall be lawful for any One of the Commissioners to administer such Oath; and if any Person required by such Summons to attend before the Commissioners shall, without reasonable Cause, to be allowed by the Commissioners, fail to appear according to the Tenor of such Summons, having been paid or tendered a sufficient Sum of Money, to be ascertained by the Commissioners, to defray the Charges of his Attendance, or shall refuse to be sworn, or shall not make Answer to all such Questions as shall be lawfully put to him by the Commissioners, or shall refuse or fail to produce before the Commissioners any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him before the Commissioners, he shall be subject to a Penalty, which such Commissioners are hereby empowered to inflict, not exceeding *Pounds:* Provided always, that the Commissioners may, where they think fit, receive in Evidence Affidavits, and such Affidavits may be made before any Person empowered to take Affidavits which may be received in Evidence in the Court of Chancery in Ireland; and all Persons who shall wilfully give false Evidence or otherwise forswear themselves in any such Examination or Affidavit may be prosecuted for the same, and upon Conviction thereof shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are now liable to by Law.

Power to Commissioners to proceed upon Affidavits.

Owners to furnish Copy of schedule of Tolls to the Commissioners.

VIII. All Persons claiming or levying any Tolls at or on account of any Fair or Market in Ireland shall, on the Requisition of the said Commissioners, on or before the *Day of in the Year One thousand eight hundred and fifty-*, furnish to the said Commissioners a true and accurate Copy of the

Schedule of such Tolls, and the Names of the Person collecting the same, and of the Person or Corporation claiming Right to the same, as such Particulars appear upon the painted Board erected, affixed, and kept up at the principal Entrance of such Fair or Market, under the Provisions of the Statute passed in the Session of Parliament holden in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled "An Act for the Regulation of levying Tolls at Fairs, Markets, and Ports in Ireland;" and the Party so furnishing the said Copy shall, previously to its Transmission to the said Commissioners, duly verify the same by his Declaration, to be by him duly made before a Justice of the Peace having Jurisdiction in and for the County, County of a City, or County of a Town in which the said Fair or Market, or some Part thereof, is situated, under and by virtue of the Powers of an Act of Parliament made and passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of "Parliament, intituled 'An Act for the more effectual Abolition of "'Oaths and Affirmations taken and made in various Departments of "'the State, and to substitute Declarations in lieu thereof, and for the "'more entire Suppression of voluntary and extra-judicial Oaths;' "and to make other Provisions for the Abolition of unnecessary Oaths;" and any Person or Corporation refusing, declining, or neglecting to furnish such Copy of such Schedule, duly verified, within the Time hereby provided, shall forfeit and pay to any Person suing for the same the Sum of *Pounds*, for each and every Week or Part of a Week during which he or they shall so refuse, decline, or neglect to furnish the same after the Expiration of the Period aforesaid.

57G.3.c.108. s. 1.

5 & 6 W. 4. c. 62. s. 18.

Penalty for Neglect.

On Receipt of Copy of Schedule of Tolls, the Commissioners to revise the same.

IX. The said Commissioners, upon Receipt of the said verified Copy, shall, so soon as conveniently may be, proceed to revise the several Items thereof, and it shall and may be lawful for them to alter, vary, diminish, or omit the Items thereof, either in the whole or in part, as they shall think fit, and also to include therein new Subjects in respect of which Tolls shall be payable, and to add to or increase the Amount of Toll now payable at any such Fair or Market in respect of any Article, Matter, or Thing; and upon the Completion of the Revision thereof the said Commissioners shall return such new or revised Schedule, attested under their Seal, together with a Provisional Order, attested in like Manner, directing that the said new or revised Schedule shall, after the Lapse of *Two Months* from the Date of such Order, be adopted, and be and become the Schedule of the Tolls to be levied and demanded at such Fair or Market, and shall transmit a Copy of the said Order to the Owner of the Fair or Market thereby affected: Provided always, that any Tolls now levied under or by virtue of the Authority of any Letters Patent of Her Majesty or any of Her Predecessors shall not be reduced in the Amount thereof now leviable, without the Consent of the Owner.

X. It

X. It shall be lawful for such Owner to appeal against any Rule, Order, or Adjudication of the Commissioners or Special Commissioners to the Privy Council in Ireland within *Month* from the making thereof, and such Appeal shall be heard and reported on by Members of the Privy Council to be appointed by the Judicial Committee thereof, and the Orders of the said Privy Council in relation to such Appeal shall be made according to the Reports of such Judicial Committee, and the Order of the Privy Council on the Appeal shall be final; and the said Judicial Committee shall consist of the Lord High Chancellor of Ireland for the Time being, and such of the Members of the said Privy Council as shall from Time to Time hold any of the following Offices, that is to say, of Lord Keeper or First Lord Commissioner of the Great Seal of Ireland, Lord Chief Justice or Judge of the Court of Queen's Bench, Master of the Rolls, Lord Chief Justice or Judge of the Court of Common Pleas, Lord Chief Baron or Baron of the Court of Exchequer, and Judge or Commissary of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout Ireland, and of all Persons Members of the said Privy Council who shall have held the Office of Lord Chancellor of Ireland, or any of the other Offices herein-before mentioned, and of such other Persons, not exceeding *Four* in Number, being Privy Councillors in Ireland, as the Lord Lieutenant or other Chief Governor or Governors for the Time being of Ireland shall appoint to be Members of such Committee; and no such Appeal as aforesaid shall be heard or reported on by the said Judicial Committee unless in the Presence of at least *Four* Members of the said Committee, and no Report on such Appeal shall be made unless a Majority of the Members of such Committee present at the hearing concur in such Report.

Appeal to Judicial Committee of Privy Council.

Who shall constitute Judicial Committee.

XI. Immediately upon the final Settlement of the said Schedule of Tolls all Persons collecting Tolls or Duties, or claiming the same, at any such Fair or Market in Ireland, shall erect, affix, and keep up at all Times thenceforth in some conspicuous Place at each of the principal Entrances of the same, a painted Board, having thereon, in large and legible Characters, an exact Copy of such revised or altered Schedule, specifying distinctly the Tolls or Duties claimed on each and every Description of Article or Thing chargeable with Toll at such Fair or Market, and the Names of the Persons collecting the same, and of the Person or Corporation claiming Right to the same, so that such Boards may be referred to and examined by any Person desirous of so doing.

57G.3.c.108. s. 1.

List of Tolls to be set up in conspicuous Places.

XII. Every Person who shall attempt to collect or to levy any Toll or Custom, without having previously erected such Board as aforesaid, or without having duly kept up and maintained the same as aforesaid, shall, for every Toll or Custom which he shall attempt to

57G.3.c.108. s. 2.

Penalty for Neglect.

collect or to levy, either in Money or in Kind, not being specified on such Board as aforesaid, or at a Time when such Boards shall not be up or maintained as aforesaid, forfeit for every such Offence the Sum of *Forty Shillings* to any Person suing for the same, and shall refund the Amount of such illegal Toll to the Person improperly charged therewith; provided, however, that in case it shall appear that the Toll Board or Boards shall have been defaced or removed by Violence, then such Collector shall not be liable to such Penalty, unless he shall neglect to reinstate such Board or Boards as soon as the same may be reasonably done; provided also, that every Person who shall deface or remove such Board or Boards, or shall be engaged in any Riot in which such Board or Boards shall be defaced or removed, shall, in addition to any Criminal Punishment he may thereby incur, also forfeit the Sum of *Five Pounds* to any Person suing for the same.

57G.3.c.108. s. 3.

57G.3.c.108. s. 4.

Byelaws.

XIII. The Commissioners or Special Commissioners may from Time to Time make such Byelaws, subject to such Approbation as is herein-after required, for the Regulation of any Fair or Market, or generally of all Fairs and Markets in Ireland falling within their Jurisdiction, and may also, with the like Approbation, repeal or alter any such Byelaws; and such Byelaws shall be reduced into Writing under the Common Seal of the Commissioners or Special Commissioners; and the said Commissioners or Special Commissioners by such Byelaws may impose such reasonable Penalties as they shall think fit, not exceeding *Five Pounds* for each Breach of such Byelaws.

Byelaws to be approved by the Lord Lieutenant in Council.

XIV. No Byelaws made under the Authority of this Act shall come into operation until the same shall have been allowed and approved of by the Lord Lieutenant in Council; and the same shall thereupon be published in the Dublin Gazette, and a Copy thereof lodged with the Clerk of the Peace of any and every County in which the Fair or Market, or any Part thereof, intended to be affected by such Byelaws, is situate.

Copy of Byelaws to be posted in conspicuous Places, and on nearest Police Barrack.

XV. A Copy of each of such Byelaws shall be transmitted to the Owner of each Fair or Market to which they shall apply or be extended, and such Owner shall thereupon erect, and keep up at all Times thereafter, in some conspicuous Part of the said Fair or Market, a painted Board, having thereon, in large and legible Characters, an exact Copy of each of such Byelaws, and shall also cause a written or printed Copy of each of such Byelaws to be posted on any Constabulary Barrack which shall be situate within, or, if there be none such, then which shall be most contiguous to, such Fair or Market, and within the County in which the Fair or Market or some Part thereof shall be situate.

XVI. The

XVI. The Publication of such Byelaws in the "Dublin Gazette," and the posting of the same on some Constabulary Barrack as hereinbefore provided, shall be conclusive Evidence of the Making, Allowance, and due Publication of the said Byelaws, and the said Byelaws shall thereupon be as binding and conclusive as if the same had been expressly enacted herein. Publication of Byelaws.

XVII. Every Owner who shall neglect, within *One Month* from the Receipt of such Byelaws from the Commissioners, to erect and keep up a painted Board, having thereon a Copy of each of such Byelaws, shall forfeit and pay to any Person suing for the same the Sum of *Forty Shillings*, and for every additional Month after the Expiration of the said First Month during which he shall neglect so to do, he shall forfeit and pay to any Person suing for the same the Sum of *Five Pounds*. Penalty for not posting Byelaws.

XVIII. The Constabulary ofthe County in which each Fair or Market is situate, shall be charged with the Duty of preserving Order therein, and shall use their best Exertions to enforce the Byelaws and other Regulations of the Commissioners, and to carry the same into Effect and Operation. Constabulary to enforce Regulations of Commissioners.

XIX. Upon the Application to the Lord Lieutenant of *Twenty-one* or more Persons rated to the Relief of the Poor to the Value of *Eight Pounds* or upwards in any County or Town in Ireland, complaining of Inconvenience arising from the Want of a Market or Fair in such Town or in any Part of such County within *Seven* Miles of the Residence of such Persons, or from the Want of a sufficient Number thereof, or from the Insufficiency or Inconvenience of the Site of any such Market or Fair as may be there held, or from the Want of proper Accommodation therein, and representing that the Applicants, or some or One of them, or some other Person named in such Application, are or is willing to provide an eligible Site for a Market or Fair in such Town or in such Part of such County, together with the requisite Accommodation for the same, it shall be lawful for the Lord Lieutenant, if he see fit, by his Warrant, to direct the Commissioners, and in case the Office of Commissioners under this Act shall have been discontinued One or more competent Persons to be Special Commissioners, to make Inquiry into the Matter of such Application, and otherwise to proceed in relation thereto under the Provisions of this Act. Upon Application to Lord Lieutenant where Persons are willing to provide a better Site and Accommodation for any Market, or a new Market, Lord Lieutenant may direct Inquiry.

XX. The Commissioners or Special Commissioners shall, as soon as conveniently may be after being directed to make such Inquiry as aforesaid, go to the Town or Place where the existing Market or Markets or Fair or Fairs are holden or the proposed Market or Fair is to be established, and there make Inquiry accordingly, and hold One or more Meetings for that Purpose, and may adjourn any such Meeting from Time to Time, and shall give Notice of the Order of the Commissioners to make Inquiry, and may make Provisional Order.

Lord Lieutenant for making such Inquiry, and of the Time and Place of holding their First Meeting, by publishing the same in some Newspaper usually circulated in such Town or Place and by Notice to the Owner through the Post Office; and in case the Commissioners or Special Commissioners find that the Complaints contained in such Application are well founded, they shall ascertain and determine whether or not the Site proposed to be provided is eligible and the proposed Accommodation sufficient, and in case they find in the Affirmative shall make a Provisional Order under their Seal, declaring that upon such Site and Accommodation being provided within a Time to be limited by such Order the Person or Persons providing the same will be entitled to take the Tolls specified therein, and otherwise to the Benefits of this Act: Provided always, that in case the Owner of any existing Market or Fair the Site whereof or the Accommodation wherein is complained of as inconvenient or insufficient, or the Owner of any other Market or Fair who would be prejudicially affected by the Establishment of any proposed new Market or Fair, be willing and offer, at any Meeting holden by the Commissioners or Special Commissioners before they have made any such Provisional Order, to provide the requisite Site and Accommodation, or Accommodations only, (as the Case may require,) the Commissioners shall suspend the making of such Provisional Order for such Time as may appear to them proper for providing such Site and Accommodation or Accommodations, as the Case may require, or, if such Owner so desire, the Commissioners or Special Commissioners may make such Provisional Order as aforesaid in favour of such Owner: provided also, that if such Owner shall not provide the necessary Accommodation within the Time limited by the Commissioners or Special Commissioners, then the said Commissioners or Special Commissioners shall at once issue their Provisional Order to the proper Person or Persons, and cancel their Provisional Order in favour of such Owner.

Owner desirous of improving any Market or Fair may make Application, and thereupon Inquiry to be made as in other Cases.

XXI. Upon the Application to the Lord Lieutenant of the Owner of any Market or Fair, representing that he is desirous of providing an improved Site for the same, or of enlarging or otherwise improving the same or the Accommodation therein, provided he be authorized to levy Tolls and other Charges therein under the Provisions of this Act, it shall be lawful for the Lord Lieutenant, if he see fit, to direct the Commissioners or Special Commissioners to make Inquiry into the Matter of such Application, and otherwise to proceed in relation thereto under the Provisions of this Act, and the Commissioners or Special Commissioners shall thereupon proceed to make such Inquiry, and shall proceed in relation thereto in manner hereinbefore provided in other Cases of Inquiries directed to be made by them, and shall ascertain and determine whether or not the carrying into effect of the Proposals made by such Application, either with or without any Variation therein, would be beneficial and of sufficient

Benefit

Benefit to justify the establishing in such Market or Fair of any Tolls and Charges under the Provisions of this Act, and in case they find in the Affirmative, they shall make a Provisional Order in relation thereto in like Manner as herein-before provided in other Cases.

Commissioners in Provisional Order to fix Tolls and Days for holding the Market or Fair.

XXII. The Commissioners or Special Commissioners in and by every such Provisional Order as aforesaid shall appoint and fix the Tolls to be taken in the Market or Fair to which the same relates, not exceeding the Tolls mentioned in the Schedule to this Act, and shall fix the Days on which the Market or Fair shall be holden, and every such Provisional Order shall be published in the Dublin Gazette and in One or more Newspapers circulating in the Neighbourhood of the Market or Fair or intended Market or Fair, as the Case may be.

On Completion of Market or Fair, Tolls to be taken according to the Provisional Order.

XXIII. When any Market or Fair or the additional Accommodation in or for the same mentioned in any Provisional Order under this Act shall be completed and fit for the Use of the Persons resorting to such Market or Fair to the Satisfaction of the Commissioners or Special Commissioners, Notice thereof shall be published by them in the Dublin Gazette and in One or more Newspapers circulated in the Neighbourhood of the Market or Fair, and such Publication shall be conclusive Evidence of such Completion, and also that all previous Steps and Proceedings have been duly and rightfully taken by the Commissioners or Special Commissioners; and thereupon such Market or Fair shall be and be deemed a legal Market or Fair, and the several Tolls to be taken at such Market or Fair which are fixed in such Provisional Order under the Provisions herein contained shall be and become payable to the Persons or Person mentioned in such Order, their and his respective Heirs and Assigns, or to their respective Officers: Provided always, that previously to the opening of any such Market or Fair the Schedule of Tolls and Copy of the Byelaws shall be painted and posted as herein-before provided; and any Byelaw made by the Commissioners or Special Commissioners shall be construed to extend to every such Market or Fair, unless it be by express Words exempted from the Operation thereof.

Tolls, &c., how to be payable.

XXIV. So far as conveniently may be, all such Tolls as shall be receivable by virtue of this Act shall be levied and paid at the Entrance to the Market or Fair, and always beforehand and in anticipation of the Use or Enjoyment of the Easement or Accommodation in respect of which same is or are payable; and no Subsale or subsequent Dealing in respect of the whole or any Part of any Article or Number of Articles once admitted to the Market or Fair, and in respect of which the proper Sum shall have been paid as required by this Act, shall subject the same or any Part thereof to any further or

other Charge, Burden, or Imposition for the Residue of the Day upon which such Payment shall have been made.

Inspectors, Clerks, &c. to be appointed by Owners as Case may be.

XXV. The Person or Persons entitled to Tolls in any Market or Fair under this Act shall appoint such Inspectors, Weighmasters, Butter-Tasters, and other Officers for the Regulation of the Market or Fair, and for the Preservation of Order therein, as the Commissioners or Special Commissioners shall deem requisite and by their Provisional Order direct, and may from Time to Time remove and dismiss all or any of such Officers, and appoint others to fill the Situation or Situations so made vacant.

Sales elsewhere than in Markets prohibited under a Penalty not exceeding 40*s*.

XXVI. After a Market or Fair authorized under this Act is opened for public Use every Person who shall sell or expose for Sale any Articles in respect of which Tolls are under this Act authorized to be taken in such Market or Fair in any Place within *One Mile* of such Market or Fair, except in his own Dwelling Place or Shop or in some other Market or Fair, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Penalty on obstructing Inspector in removing unwholesome Meat.

XXVII. Any Officer appointed by the Owner of the Market or Fair or any Constable may seize all unwholesome Meat or Provisions exposed for Sale in a Market or Fair, and carry the same before a Justice, and such Justice shall thereupon deal with the Case according to Law; and every Person who shall obstruct or hinder such Officer or Constable from seizing or carrying away such unwholesome Meat or Provisions shall be liable to a Penalty not exceeding *Forty Shillings* for every such Offence, or to be imprisoned for any Term not exceeding *One Month*.

Penalty for obstructing Market or Fair Keeper.

XXVIII. Every Person who shall assault or obstruct any Constable or Person appointed to superintend the Market or Fair, or to keep Order therein, whilst in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings* or be imprisoned for any Term not exceeding *One Month*.

Powers of Parties to settle Disputes at Sales in Fairs or Markets extended to Cases where Amount in Difference does not exceed 5*l*.

XXIX. And whereas by "The Summary Jurisdiction (Ireland) Act, 1851," it is enacted, that whenever any Dispute shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment of any Article, Matter, or Thing which shall be exhibited for Sale in any Fair or Market, (and which shall not be of a greater Value than Five Pounds,) it shall be lawful for any Justice within his Jurisdiction either to proceed at once to hear and determine such Dispute, upon the Complaint of either Party, and in Presence of both Parties, and after causing all Parties to be brought before him for that Purpose, or to adjourn the Hearing thereof to the next Petty Sessions of the District; and it shall be lawful for such Justice or the Justices at such Petty Sessions, having examined into the said

Complaint

Complaint upon the Oath of either of the Parties or of any Witness or Witnesses, to make an Award thereon according to the Merits of the Case, and such Award shall be in Writing, and shall have the like Force and Effect as any Order made at Petty Sessions: The said Enactment shall extend and be applicable in the Case of any Dispute which shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing in any Fair or Market where the Amount or Value of the Sum or Matter in Dispute does not exceed *Thirty Pounds*.

Local and customary Measures abolished.

XXX. Henceforth all local or customary Measures shall be abolished; and every Person who shall within the Limits of any Market or Fair sell by any Denomination of Measure other than One of the Imperial Measures, or some Multiple or some aliquot Part, such as Half, the Quarter, the Eighth, the Sixteenth, or the Thirty-second Parts thereof, shall on Conviction be liable to a Penalty not exceeding the Sum of *Forty Shillings* for every such Sale, or to be imprisoned for any Term not exceeding *One Month*: Provided that nothing herein contained shall extend to any Wooden or Wicker Measure used in the Sale of Lime or other Articles of the like Nature, or any Glass or Earthenware Jug or Drinking Cup, though represented as containing the Amount of any Imperial Measure or of any Multiple thereof, but any Person buying by any Vessel represented as containing the Amount of any Imperial Measure, or of any Multiple thereof, is hereby authorized to require the Contents of such Vessel to be ascertained by a Comparison with a stamped Measure, such stamped Measure to be found and provided by the Person who shall use such Wooden or Wicker Measure, Glass, Jug, or Drinking Cup as aforesaid; and in case the Person who shall use such last-mentioned Measure or Vessel shall refuse to make such Comparison, or if, upon such Comparison being made, such Wooden or Wicker Measure, Glass, Jug, or Drinking Cup shall be found to be deficient in Quantity, the Person who shall use the same shall, on Conviction, forfeit a Sum not exceeding *Forty Shillings* for every such Offence, or be imprisoned for any Term not exceeding *One Month*.

Mode of Weighing certain Commodities.

XXXI. All Sales to be made at any such Market or Fair of any Corn, Potatoes, Hay, Straw, Flax, Green Food for Cattle, Carcases of Beef, dead Pigs, Butter, Wool, Hides, and Skins, shall be made by the following Weights, or some Multiple or Submultiple thereof respectively; that is to say, of Wheat, for the Barrel of Twenty Stones; of Barley, for the Barrel of Sixteen Stones; of Oats, for the Barrel of Twelve Stones; of Potatoes, for the Weight of Twenty-one Pounds, or for the Stone of Fourteen Pounds; of Flax, of Sixteen Pounds to the Stone; of Hay, Straw, Green Food for Cattle, Carcases

of Beef, dead Pigs, Butter, and Hides and Skins, for the Hundredweight of One hundred and twelve Pounds, or for the Ton of Twenty such Hundredweight; and of Wool, for the Stone of Fourteen Pounds, all Imperial Standard Weight.

No Allowance to be made, in weighing, for Beamage, &c.

XXXII. All Articles of what Nature or Kind soever which shall be weighed at any such Market or Fair shall be weighed and paid for at their just Weights, net standing Beam, without any Deductions or Allowances whether for Tret, Beamage, Porterage, or otherwise howsoever, the Weight of any Vessel, Sack, Bag, Firkin, or other Thing (if any) containing the same alone excepted; and any Person taking any such Allowance or Deduction, with or without the Consent of the Seller, or buying or selling any Article by any Weight different from those herein specified, shall, upon Conviction thereof before any Justices of the Peace, forfeit and pay for every such Offence any Sum not exceeding the Sum of *Forty Shillings*, or be imprisoned for any Space of Time not exceeding *One Month*, and also such further Sum or Sums of Money to the Seller as Compensation for any such Deductions, Allowances, or Substitution of Weights as the said Justice shall in that Behalf award.

Owners of Markets &c. to provide proper Weights and Measures for weighing Commodities sold.

XXXIII. The Person or Persons entitled to the Tolls of any Market or Fair shall provide sufficient and proper Weighing Houses or Places for weighing or measuring the Commodities sold in the Market or Fair, and shall keep therein proper Weights, Scales, and Measures according to the Standard Weights and Measures for the Time being for weighing such Commodities as aforesaid, and shall, except as herein-before provided, appoint proper Persons to attend to the weighing or measuring such Commodities at all Times during which the Market or Fair is holden.

Articles to be weighed if requested by the Buyer, &c.

XXXIV. Every Person selling or offering for Sale any Articles in the Market or Fair shall, if required so to do by the Buyer or Seller, or in case of Sale, by the Owner of such Fair or Market or any Person deputed by him, cause the same to be weighed or measured by the Weights and Scales or Measures provided as aforesaid, and any such Person who shall refuse, on Demand, to cause such Articles to be weighed or measured in manner aforesaid shall be liable to a Penalty not exceeding *Forty Shillings*, or to be imprisoned for any Term not exceeding *One Month*; and this Provision shall extend to Persons offering Articles for Sale within the Limits of any Market Town on Days other than the usual and accustomed Market Days: Provided always, that from and after the *passing of this Act* it shall not be lawful for any Person or Persons other than the Owner or Owners of the Market or Fair to erect any Crane or other Machinery within

Penalty for Refusal.

within the Limits of the said Market Town or Fair for the Purpose of weighing for Hire or otherwise any Article sold, to be sold, or exposed for Sale at said Market or Fair, and any Person found offending against this Provision shall for every Article he shall so weigh be liable to a Penalty not exceeding *Forty Shillings*, or be imprisoned for any Period not exceeding *One Month*.

Penalty on Persons appointed refusing to weigh.

XXXV. Every Person appointed to weigh or measure any Articles sold in the Market or Fair who shall refuse or neglect to weigh or measure the same when required, shall be liable to a Penalty not exceeding *Forty Shillings*, or to be imprisoned for any Term not exceeding *One Month*.

Penalty on other Parties committing Frauds as to weighing.

XXXVI. Every Person who shall knowingly act or assist in committing any Fraud respecting the weighing or Weight of any Article, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*, or to be imprisoned for any Term not exceeding *One Month*.

Tolls, &c., when to be paid.

XXXVII. The Tolls of the Market or Fair shall be paid from Time to Time, on Demand, to the Collector, or other Person authorized to receive the same.

Tolls to be paid to Persons authorized before the same are weighed, &c.

XXXVIII. The Tolls payable in respect of weighing or measuring marketable Commodities, or Carts with or without Goods, shall be paid to the Person authorized to weigh or measure the same by the Persons bringing such marketable Commodities or Carts to be weighed or measured, before the same are weighed or measured.

Tolls in respect of Cattle when due.

XXXIX. The Tolls in respect of Cattle brought to the Market or Fair for Sale shall become due as soon as the Cattle in respect whereof they are demandable are brought to the Market Place or Place for Fairs, and before the Cattle are put into any Pen, or tied up therein; and if the Cattle be not removed within *One Hour* after the Close of the Market or Fair another Toll shall become due in respect of the Cattle so omitted to be removed.

Penalty on taking a greater Toll than authorized by this Act.

XL. Every Person who shall demand or receive a greater Toll than that authorized to be taken under the Provisions of this Act shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*, or to be imprisoned for any Term not exceeding *One Month*.

Recovery of Tolls, by Distress, &c.

XLI. If any Person liable to the Payment of any Tolls authorized by this Act to be taken, do not pay the same when demanded,

any Person authorized to collect the same may levy the same by Distress of all or any of the Cattle or other Articles in respect of which such Tolls are payable, or of any other Cattle or other Articles in the Market or Fair belonging to the Person liable to pay the same or under his Charge, or may be recovered in any Court having competent Jurisdiction.

Disputes respecting Tolls, how to be settled.

XLII. If any Dispute arise concerning any such Tolls, such Dispute shall be determined by a Justice, and such Justice shall, on Application made to him, determine the same, and make such Order therein and award such Costs to either Party as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and the Justice shall issue his Warrant accordingly.

Penalty for obstructing Collector of Rents, &c.

XLIII. Every Person who shall assault or obstruct any Person authorized to collect any Tolls authorized by this Act shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, or to be imprisoned for any Time not exceeding *Three Months*.

Commissioners may alter Byelaws and Schedules.

XLIV. It shall and may be lawful for the said Commissioners or Special Commissioners from Time to Time to alter or vary any Schedule of Tolls and the Byelaws and other Regulations relating to any Fair or Market, when and as often as it shall become necessary so to do by reason of any Change, to be authorized by Parliament, in the Amount, Denomination, Mode of Computation, or otherwise, of or in the Standard Weights and Measures now in use in Ireland.

Corporations, Trustees, and other Persons empowered to sell and convey, &c.

XLV. It shall be lawful for every Corporation, and for every Trustee and Feoffee in Trust for charitable or other Purposes, and for every Executor and Administrator, not only for and on behalf of himself, his Heirs, Executors, and Administrators respectively, but also for and on behalf of his Cestuique Trust, whether Infant, Feme Covert, Idiot, Lunatic, or Person not born or not ascertained, or any other Person whomsoever, and to and for any Tenant for Life or for Years absolute or determinable on any Life or Lives, and every Person having any other partial or qualified Estate or Interest in any Land required for any of the Purposes of this Act, not only for and on behalf of himself, his Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person entitled in Remainder, Reversion, Expectancy, or Contingency, or for any other future Estate or Interest, where any such Person or any of such Persons (if more than One), whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for every Guardian

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on behalf of his respective Ward, Husband on behalf of his Wife, Committee on behalf of the Person of whose Estate he shall be Committee, and the Trustees, Executors, Administrators, and Issue of such Ward, Wife, or Person respectively, and to and for any Feme Covert entitled in her own Right to any such Land or to Dower or other Interest therein, on behalf not only of herself but also of her respective Heirs, Executors, Administrators, and Issue, and also where such Ward, Wife, Person, or Feme Covert respectively shall be Tenant for Life or in Tail, or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardian, Husband, Committee, and Feme Covert, on behalf of the Person or Persons on behalf of whom such Ward, Wife, Person, or Feme Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Land, and to and for every other Person whomsoever who is or shall be seised or possessed of or interested in any such Land, to contract or agree for the absolute Sale or for any Lease for Lives or Years, of any Part thereof not exceeding in the whole Acres, as shall be determined by the said Commissioners, and also to execute any Conveyance, or enter into any Contract with respect to the Premises which the said Commissioners shall deem necessary for the due Execution of this Act.

Recovery of Penalties.

XLVI. All Offences for which any pecuniary Penalty or Forfeiture is by this Act imposed shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered in Ireland, under the Provisions of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, intituled "The Petty Sessions (Ireland) Act, 1851." 14 & 15 Vict. c. 93.

No Rate or Proceeding to be quashed for Want of Form, &c.

XLVII. No Proceeding, nor any Order, Award, or other Matter or Thing whatsoever, made, done, or transacted in or relating to the Execution of this Act shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari or other Writ or Process whatsoever into any of the Superior Courts.

Act not to extend to Dublin or Markets, &c. under Local Acts.

XLVIII. This Act shall extend only to Ireland; and nothing herein contained shall extend to or affect the Borough of Dublin, nor any Market or Fair regulated by any Local Act of Parliament or held under the Provisions of any such Local Act.

SCHEDULE.

Tolls payable at Markets and Fairs.

For every covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestle, Standing Place, Compartment, Space, or Station used by any Person for exposing to Sale Flesh, Meal, Cheese, Bacon, Pickled Pork, Fish, or any other Victuals, Vegetables, Fruit, Glass, Earthenware, or other Goods, Articles, Commodity, Matter, or Thing whatsoever, except as herein otherwise specifically provided, the following Tolls and Customs per Day shall be taken:

	s.	*d.*
Not exceeding Three Feet by Three Feet - -		
Not exceeding Six Feet by Five Feet - -		
Not exceeding Nine Feet by Five Feet - -		
Not exceeding Twelve Feet by Five Feet - -		

And in the same Proportion for any larger Space.

From any Person exposing for Sale any Article, Matter, or Thing, and not occupying any Shed, Stall, Bulk, Block, Trestle, or Station, or any defined Compartment or Space on the Surface of the Ground:

If the Spot on which such Person shall stand be within the covered Market,

For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Day the Sum of *Three Halfpence.*

If the Spot be not situate within the covered Market,

For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Day the Sum of *One Penny.*

	s.	*d.*
For the Carcase of every Bull, Ox, Steer, Cow, or Heifer, or any Part thereof, by any Person not occupying a Stall - - - - - -		
For the Carcase of every Calf, Pig, or Sheep, by any Person not occupying a Stall - - -		

Carts.

For the Space occupied by every Cart or other Vehicle used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Rents per Day:

	s.	*d.*
If drawn by One Horse - - - -		
By Two Horses - - - - -		
If drawn by any One other Animal - - -		
Or if by Two other Animals - - - -		

CATTLE.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs, as follows; (that is to say,)

	s.	*d.*
For every Horse, Mare, or Gelding - - -		
For every Mule, Ass, Colt, Filly, or Foal - -		
For every Bull, Ox, Cow, Heifer, or Steer - -		
For every Stallion exposed or shown on a Market Day -		
For every Calf - - - - - -		
For every Score of Sheep or Lambs - - -		
For every Score of Pigs - - - -		
For every Score of Sucking Pigs - - -		

And so on in proportion for any greater Number; and One or more not exceeding Five to be paid for as a Quarter of a Score.

WEIGHING AND MEASURING.

	s.	*d.*
For weighing every Piece of Meat or any other Article or Thing weighing not more than Twenty Pounds Avoirdupois - - - - - -		
For weighing every Piece of Meat or other Article or Thing weighing more than Twenty Pounds and not exceeding One hundred Pounds, *One Penny*, and so in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight.		
For measuring any Quantity of Goods and Things sold by Measure, not exceeding One Bushel - -		
For measuring every Quantity more than a Bushel and not exceeding Two Bushels - - -		
And for every Bushel beyond Two Bushels - -		

WEIGHING MACHINES.

For weighing any Cart or other Carriage, laden or unladen, the Sum of *One Halfpenny* per Hundredweight.

Fairs and Markets.

(Ireland.)

A

B I L L

For the Regulation of Fairs and Markets in Ireland.

(*Prepared and brought in by Sir John Young and Mr. Solicitor General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 22 *December* 1854.

[Bill 12.]

Under 3 *oz.*

Fisheries (British Islands and France).

ARRANGEMENT OF CLAUSES.

Oysters and Dredges found on board Fishing Vessels during the prohibited Time may be seized; Sect. 1.

Oysters landed in the forbidden Time may be seized; 2.

Penalties; 3.

British Consuls may take Depositions on Oath concerning Offences against the Fishery Regulations; 4.

Depositions admissible in Evidence; 5.

Penalties, Proceeds of Sales, &c., to be paid into Exchequer [*Proposed to be added in Committee*].

The Term "British Consul" to include other Consular Agents; 6.

Recited Act and this Act to be read together; 7.

A

B I L L

INTITULED

An Act for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France.

[Note.—*The Clause printed in Red Ink is proposed to be inserted in Committee.*]

WHEREAS a Convention was concluded between Her Majesty and the King of the French on the Second Day of August One thousand eight hundred and thirty-nine, defining the Limits of the Oyster Fishery between the Island of Jersey and the neighbouring Coast of France, and also defining the Limits of the exclusive Rights of Fishery on all other Parts of the Coasts of the British Islands and France: And whereas, pursuant to the said Convention, certain Articles, being Regulations for the Guidance of the Fishermen of the Two Countries in the Seas lying between the Coasts of the United Kingdom and those of France, were agreed upon by Commissioners authorized in that Behalf, and were approved and confirmed on the Part of Her Majesty and of the French Government: And whereas by the said Articles it was provided that Oyster-fishing should open on the First of September and should close on the Thirtieth of April, and that from the First of May

Preamble.

Articles 45 and 46.

to the Thirty-first of August no Boat should have on board any Dredge or other Implement whatsoever for catching Oysters: And whereas an Act was passed in the Session holden in the Sixth and Seventh Years of Her Majesty (Chapter Seventy-nine), to carry into effect the said Convention, and it was thereby enacted that the said Articles (which were set forth in the Schedule to the same Act) should be binding upon all Persons, and should have the Force of Law: And whereas it is expedient that more effectual Provision should be made for enforcing the Regulations established pursuant to the said Convention as aforesaid: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

6 & 7 Vict. c. 79.

Oysters and Dredges found on board Fishing Vessels during the prohibited Time may be seized.

I. It shall be lawful for any Officers or Petty Officers belonging to Her Majesty's Navy or Revenue Service, or such Officers and Men of the Coast-guard Stations as may be thereunto authorized by the Commissioners of Her Majesty's Customs, or such Persons as may be appointed, under the Provisions of the said Act, by the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations, when they go on board any British Vessel employed in fishing, to examine whether the Regulations of the said Acts have been complied with, to seize and throw overboard or destroy any Oysters found on board such Vessel at any Time from the First Day of May to the Thirty-first Day of August in any Year, as well as to seize and dispose of in manner provided by the "Customs Consolidation Act, 1853," all Dredges and other Implements for catching Oysters found on board such Vessel; and it shall also be lawful for such Officers, Petty Officers, and Men, and such Persons as aforesaid respectively, to seize and dispose of in like Manner all Dredges and other Implements for catching Oysters found sunk in or floating upon the Seas at any such Time as aforesaid.

Oysters landed in the forbidden Time may be seized.

II. No Oysters taken in the Seas between the United Kingdom and France shall be imported into or landed in any Part of the United Kingdom at any Time between the First Day of May and the Thirty-first Day of August in any Year, and any Oysters imported in or landed from any Vessel employed in Fishing in the said Seas shall be deemed to be Oysters taken and imported contrary to the Provisions of the said Articles and of this Act, unless the contrary be proved; and it shall be lawful for any Officer of the Customs, or any Person who may be appointed under the Provisions of the said Act by the Lords of the said Committee of Council, to seize and destroy, or otherwise dispose of, as the said Commissioners of the Customs or the said Lords of the said Committee may direct, any Oysters

Oysters imported into or landed in any Part of the United Kingdom contrary to the Provisions of this Act.

Penalties.

III. The Master or Person in charge of any Vessel on board which any such Oysters or any such Dredge or other Implement for catching Oysters are found, at any such Time as aforesaid, or from which any such Oysters are landed at any such Time as aforesaid, contrary to the Provisions of this Act, shall be deemed guilty of an Offence against the said Articles, and shall on Conviction be liable to a Penalty of not less than Eight Shillings or more than Three Pounds, or to be imprisoned, with or without Hard Labour, for any Time not less than Two Days and not longer than Ten Days, and if convicted more than once then upon any Second or subsequent Conviction to a Penalty of not more than Six Pounds, or to be imprisoned, with or without Hard Labour, for any Time not longer than Twenty Days.

British Consuls may take Depositions on Oath concerning Offences against the Fishery Regulations.

IV. It shall be lawful for any British Consul exercising his Functions in any Port or Place in France where any Person is brought under the Provisions of the said Articles charged with any Offence against the said Articles, or against any Rule or Byelaw made under the said Act, to take any Statement on Oath or Affirmation (which Oath or Affirmation such Consul is hereby authorized to administer) of any Person who may be produced before the Consul for that Purpose, concerning the Facts or Circumstances of the Case, and to put the same into Writing; and every such Statement as aforesaid shall be taken and put into Writing in the Presence of the Person charged, and shall be read over to him, and, where not made in English, shall be interpreted to him; and the Person charged (by himself or by any legal Adviser acting on his Behalf) shall be at liberty to put such Questions as he may think fit to the Witness making the Statement; and such Questions, with the Answers thereto, shall be put into Writing, and such Answers shall be read, and where necessary interpreted, to the Person charged as aforesaid; and all such Depositions shall be read over to and signed respectively by the Witnesses who shall have been so examined, and shall be signed also by the Consul, who shall certify that the same were taken in the Presence of and read over to the Person charged, and, where not taken in English, interpreted to him.

Depositions admissible in Evidence.

V. Every such Deposition shall be admissible in Evidence in any Proceeding against the Person charged as aforesaid with any Offence against the said Articles, or against any Rule or Byelaw made in pursuance of the said Act, unless it be shown that the Witness making such Deposition is within the United Kingdom; and it shall not be necessary

necessary in any Case to prove the Signature or official Character of the Consul appearing to have signed any such Deposition, or the Signature of the Witnesses signing the same; and in any such Proceeding such Certificate as aforesaid shall, unless the contrary be proved, be sufficient Evidence of the Matters thereby certified.

Penalties, Proceeds of Sales, &c., to be paid into Exchequer.

All Penalties, Fines, and Forfeitures, and the Proceeds of any Sale of Dredges or other Implements under this Act, or under the said Act of the Sixth and Seventh Years of Her Majesty, shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Commissioners of Her Majesty's Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

The Term "British Consul" to include other Consular Agents.

VI. The Term "British Consul" in this Act shall include any Consul General, Consul, Vice Consul, or other Consular Agent.

Recited Act and this Act to be read together.

VII. The said Act of the Sixth and Seventh of Her Majesty and this Act shall be read and construed together as One Act.

Fisheries (British Islands and France).

A

B I L L

INTITULED

An Act for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France.

(*Brought from the Lords* 15 *May* 1855.)

Ordered, by the House of Commons, *to be Printed*, 17 *May* 1855.

[Bill 131.]

Under 1 *oz.*

Fisheries (British Islands and France).

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Oysters and Dredges found on board Fishing Vessels during the prohibited Time may be seized; Sect. 1.

Oysters landed in the forbidden Time may be seized; 2.

Penalties; 3.

British Consuls may take Depositions on Oath concerning Offences against the Fishery Regulations; 4.

Depositions admissible in Evidence; 5.

Clause A. Penalties, Proceeds of Sales, &c., to be paid into Exchequer; 6.

The Term "British Consul" to include other Consular Agents; 7.

Recited Act and this Act to be read together; 8.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France.

[Note.—*Clause* A. *was added in Committee.*]

WHEREAS a Convention was concluded between Her Majesty and the King of the French on the Second Day of August One thousand eight hundred and thirty-nine, defining the Limits of the Oyster Fishery between the Island of Jersey and the neighbouring Coast of France, and also defining the Limits of the exclusive Rights of Fishery on all other Parts of the Coasts of the British Islands and France: And whereas, pursuant to the said Convention, certain Articles, being Regulations for the Guidance of the Fishermen of the Two Countries in the Seas lying between the Coasts of the United Kingdom and those of France, were agreed upon by Commissioners authorized in that Behalf, and were approved and confirmed on the Part of Her Majesty and of the French Government: And whereas by the said Articles it was provided that Oyster-fishing should open on the First of September and should close on the Thirtieth of April, and that from the First of May

Preamble.

Articles 45 and 46.

to the Thirty-first of August no Boat should have on board any Dredge or other Implement whatsoever for catching Oysters: And whereas an Act was passed in the Session holden in the Sixth and Seventh Years of Her Majesty (Chapter Seventy-nine), to carry into effect the said Convention, and it was thereby enacted that the said Articles (which were set forth in the Schedule to the same Act) should be binding upon all Persons, and should have the Force of Law: And whereas it is expedient that more effectual Provision should be made for enforcing the Regulations established pursuant to the said Convention as aforesaid: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

6 & 7 Vict. c. 79.

Oysters and Dredges found on board Fishing Vessels during the prohibited Time may be seized.

I. It shall be lawful for any Officer or Petty Officer belonging to Her Majesty's Navy or Revenue Service, or such Officers and Men of the Coast-guard Stations as may be thereunto authorized by the Commissioners of Her Majesty's Customs, or such Persons as may be appointed, under the Provisions of the said Act, by the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations, when they go on board any British Vessel employed in fishing, to examine whether the Regulations of the said Act have been complied with, to seize, and throw overboard or destroy any Oysters found on board such Vessel, at any Time from the First Day of May to the Thirty-first Day of August in any Year, as well as to seize and dispose of in manner provided by the "Customs Consolidation Act, 1853," all Dredges and other Implements for catching Oysters found on board such Vessel; and it shall also be lawful for such Officers, Petty Officers, and Men, and such Persons as aforesaid respectively, to seize and dispose of in like Manner all Dredges and other Implements for catching Oysters found sunk in or floating upon the Seas at any such Time as aforesaid.

Oysters landed in the forbidden Time may be seized.

II. No Oysters taken in the Seas between the United Kingdom and France shall be imported into or landed in any Part of the United Kingdom at any Time between the First Day of May and the Thirty-first Day of August in any Year, and any Oysters imported in or landed between such Days from any Vessel employed in Fishing in the said Seas shall be deemed to be Oysters taken and imported contrary to the Provisions of the said Articles and of this Act, unless the contrary be proved; and it shall be lawful for any Officer of the Customs, or any Person who may be appointed under the Provisions of the said Act by the Lords of the said Committee of Council, to seize and destroy, or otherwise dispose of, as the said Commissioners of the Customs or the said Lords of the said Committee may direct, any

Oysters

Oysters imported into or landed in any Part of the United Kingdom contrary to the Provisions of this Act.

Penalties.

III. The Master or Person in charge of any British Vessel on board which any such Oysters or any such Dredge or other Implement for catching Oysters are found, at any such Time as aforesaid, or in or from which any such Oysters are landed at any such Time as aforesaid, contrary to the Provisions of this Act, shall be deemed guilty of an Offence against the said Articles, and shall on Conviction be liable to a Penalty of not less than Eight Shillings or more than Three Pounds, or to be imprisoned, with or without Hard Labour, for any Time not less than Two Days and not longer than Ten Days, and if convicted more than once then upon any Second or subsequent Conviction to a Penalty of not more than Six Pounds, or to be imprisoned, with or without Hard Labour, for any Time not longer than Twenty Days.

British Consuls may take Depositions on Oath concerning Offences against the Fishery Regulations.

IV. It shall be lawful for any British Consul exercising his Functions in any Port or Place in France where any Person, being a Subject of Her Majesty, is brought under the Provisions of the said Articles charged with any Offence against the said Articles, or against any Rule or Byelaw made under the said Act, to take any Statement on Oath (which Oath such Consul is hereby authorized to administer) of any Person who may be produced before the Consul for that Purpose, concerning the Facts or Circumstances of the Case, and to put the same into Writing; and every such Statement as aforesaid shall be taken and put into Writing in the Presence of the Person charged, and shall be read over to him, and, where not made in English, shall be interpreted to him; and the Person charged (by himself or by any legal Adviser acting on his Behalf) shall be entitled to put such Questions as he may think fit to the Witness making the Statement, and shall be told that he is so entitled by the Consul; and such Questions, with the Answers thereto, shall be put into Writing, and such Answers shall be read, and where necessary interpreted, to the Person charged as aforesaid; and all such Depositions shall be read over to and signed respectively by the Witnesses who shall have been so examined, and shall be signed also by the Consul, who shall certify that the same were taken on Oath in the Presence of and read over to the Person charged, and, where not taken in English, interpreted to him.

Depositions admissible in Evidence.

V. Every such Deposition shall be admissible in Evidence in any Proceeding against the Person charged as aforesaid with any Offence against the said Articles, or against any Rule or Byelaw made in pursuance of the said Act, unless it be shown that the Witness making such Deposition is within the United Kingdom; and it shall not be

necessary in any Case to prove the Signature or official Character of the Consul appearing to have signed any such Deposition, or the Signature of the Witnesses signing the same; and in any such Proceeding such Certificate as aforesaid shall, unless the contrary be proved, be sufficient Evidence of the Matters thereby certified.

CLAUSE A. Penalties, Proceeds of Sales, &c., to be paid into Exchequer.

VI. All Penalties, Fines, and Forfeitures, and the Proceeds of any Sale of Dredges or other Implements under this Act, or under the said Act of the Sixth and Seventh Years of Her Majesty, shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Commissioners of Her Majesty's Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

The Term "British Consul" to include other Consular Agents.

VII. The Term "British Consul" in this Act shall include any Consul General, Consul, Vice Consul, or other Consular Agent.

Recited Act and this Act to be read together.

VIII. The said Act of the Sixth and Seventh of Her Majesty and this Act shall be read and construed together as One Act.

Fisheries (British Islands and France).

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France.

(*Brought from the Lords* 15 *Mali* 1855.)

Ordered, by the House of Commons, *to be Printed*, 31 *July* 1855.

[Bill 280.] *Under* 1 *oz.*

30 *January* 1855. 18 Vict.

A

B I L L

TO

Carry into effect a Treaty between Her Majesty and the United States of America.

WHEREAS a Treaty was, on the Fifth Day of June One thousand eight hundred and fifty-four, concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America, whereby it was agreed as follows: Preamble.

Article I.—It is agreed by the High Contracting Parties that, in addition to the Liberty secured to the United States Fishermen by the above-mentioned Convention of October 20, 1818, of taking, curing, and drying Fish on certain Coasts of the British North American Colonies therein defined, the Inhabitants of the United States shall have, in common with the Subjects of Her Britannic Majesty, the Liberty to take Fish of every Kind, except Shell Fish, on the Sea Coasts and Shores and in the Bays, Harbours, and Creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several Islands thereunto adjacent, without being restricted to any Distance from the Shore, with Permission to land upon the Coasts and Shores of those

Colonies and the Islands thereof, and also upon the Magdalon Islands, for the Purpose of drying their Nets and curing their Fish; provided that in so doing they do not interfere with the Rights of private Property or with British Fishermen in the peaceable Use of any Part of the said Coast in their Occupancy for the same Purpose.

It is understood that the above-mentioned Liberty applies solely to the Sea Fishery, and that the Salmon and Shad Fisheries, and all Fisheries in Rivers and the Mouths of Rivers, are hereby reserved exclusively for British Fishermen.

And it is further agreed that, in order to prevent or settle any Disputes as to the Places to which the Reservation of exclusive Right to British Fishermen contained in this Article and that of Fishermen of the United States contained in the next succeeding Article apply, each of the High Contracting Parties, on the Application of either to the other shall, within Six Months thereafter, appoint a Commissioner. The said Commissioners, before proceeding to any Business, shall make and subscribe a solemn Declaration that they will impartially and carefully examine and decide, to the best of their Judgment and according to Justice and Equity, without Fear, Favour, or Affection to their own Country, upon all such Places as are intended to be reserved and excluded from the common Liberty of fishing under this and the next succeeding Article; and such Declaration shall be entered on the Record of their Proceedings. The Commissioners shall name some Third Person to act as an Arbitrator or Umpire in any Case or Cases on which they may themselves differ in Opinion. If they should not be able to agree upon the Name of such Third Person, they shall each name a Person, and it shall be determined by Lot which of the Two Persons so named shall be the Arbitrator or Umpire in Cases of Difference or Disagreement between the Commissioners. The Person so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any Case, make and subscribe a solemn Declaration in a Form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the Record of their Proceedings. In the Event of the Death, Absence, or Incapacity of either of the Commissioners or of the Arbitrator or Umpire, or of their or his omitting, declining, or ceasing to act as such Commissioner, Arbitrator, or Umpire, another and different Person shall be appointed or named as aforesaid to act as such Commissioner, Arbitrator, or Umpire, in the Place and Stead of the Person so originally appointed or named as aforesaid, and shall make and subscribe such Declaration as aforesaid.

Such

Such Commissioners shall proceed to examine the Coasts of the North American Provinces and of the United States embraced within the Provisions of the First and Second Articles of this Treaty, and shall designate the Places reserved by the said Articles from the common Right of fishing therein.

The Decision of the Commissioners and of the Arbitrator or Umpire shall be given in Writing in each Case, and shall be signed by them respectively.

The High Contracting Parties hereby solemnly engage to consider the Decision of the Commissioners conjointly or of the Arbitrator or Umpire, as the Case may be, as absolutely final and conclusive in each Case decided upon by them or him respectively.

Article II.—It is agreed by the High Contracting Parties that British Subjects shall have, in common with the Citizens of the United States, the Liberty to take Fish of every Kind, except Shell Fish, on the Eastern Sea Coasts and Shores of the United States North of the 36th Parallel of North Latitude, and on the Shores of the several Islands thereunto adjacent, and in the Bays, Harbours, and Creeks of the said Sea Coasts and Shores of the United States and of the said Islands without being restricted to any Distance from the Shore, with Permission to land upon the said Coasts of the United States and of the Islands aforesaid for the Purpose of drying their Nets and curing their Fish; provided, that in so doing they do not interfere with the Rights of private Property, or with the Fishermen of the United States in the peaceable Use of any Part of the said Coasts in their Occupancy for the same Purpose.

It is understood that the above-mentioned Liberty applies solely to the Sea Fishery, and that Salmon and Shad Fisheries, and all Fisheries in Rivers and Mouths of Rivers, are hereby reserved exclusively for Fishermen of the United States.

Article III.—It is agreed that the Articles enumerated in the Schedule hereunto annexed, being the Growth and Produce of the aforesaid British Colonies, or of the United States, shall be admitted into each Country respectively free of Duty:

Schedule.

Grain, Flour, and Bread-stuffs of all Kinds.
Animals of all Kinds.
Fresh, smoked, and salted Meats.
Cotton Wool, Seeds, and Vegetables.
Undried Fruits, dried Fruits.

Fish of all Kinds.
Products of Fish and of all other Creatures living in the Water.
Poultry.
Eggs.
Hides, Furs, Skins, or Tails undressed.
Stone or Marble in its crude or unwrought State.
Slate.
Butter, Cheese, Tallow.
Lard, Horns, Manures.
Ores of Metals of all Kinds.
Coal.
Pitch, Tar, Turpentine, Ashes.
Timber and Lumber of all Kinds, round, hewed, and sawed, unmanufactured in whole or in Part.
Firewood.
Plants, Shrubs, and Trees.
Pelts, Wool.
Fish Oil.
Rice, Broom Corn, and Bark.
Gypsum, ground or unground.
Hewn or wrought or unwrought Burr or Grindstones.
Dye Stuffs.
Flax, Hemp, and Tow unmanufactured.
Unmanufactured Tobacco.
Rags.

ARTICLE IV.—It is agreed that the Citizens and Inhabitants of the United States shall have the Right to navigate the River St. Lawrence, and the Canals in Canada, used as the Means of communicating between the Great Lakes and the Atlantic Ocean, with their Vessels, Boats, and Crafts, as fully and freely as the Subjects of Her Britannic Majesty, subject only to the same Tolls and other Assessments as now are or may hereafter be exacted of Her Majesty's said Subjects; it being understood, however, that the British Government retains the Right of suspending this Privilege, on giving due Notice thereof to the Government of the United States.

It is further agreed, that if at any Time the British Government should exercise the said reserved Right, the Government of the United States shall have the Right of suspending, if it think fit, the Operation of Article III. of the present Treaty, in so far as the Province of Canada is affected thereby, for so long as the Suspension of the free Navigation of the River St. Lawrence or the Canals may continue.

It

It is further agreed, that British Subjects shall have the Right freely to navigate Lake Michigan with their Vessels, Boats, and Crafts, so long as the Privilege of navigating the River St. Lawrence, secured to American Citizens by the above Clause of the present Article, shall continue; and the Government of the United States further engages to urge upon the State Governments to secure to the Subjects of Her Britannic Majesty the Use of the several State Canals on Terms of Equality with the Inhabitants of the United States.

And it is further agreed, that no Export Duty or other Duty shall be levied on Lumber or Timber of any Kind cut on that Portion of the American Territory in the State of Maine watered by the River St. John and its Tributaries, and floated down that River to the Sea, when the same is shipped to the United States from the Province of New Brunswick.

Article V.—The present Treaty shall take effect as soon as the Laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Provincial Parliaments of those of the British North American Colonies which are affected by this Treaty on the one Hand, and by the Congress of the United States on the other. Such Assent having been given, the Treaty shall remain in force for Ten Years from the Date at which it may come into operation, and further until the Expiration of Twelve Months after either of the High Contracting Parties shall give Notice to the other of its Wish to terminate the same; each of the High Contracting Parties being at liberty to give such Notice to the other at the End of the said Term of Ten Years, or at any Time afterwards.

It is clearly understood, however, that this Stipulation is not intended to affect the Reservation made by Article IV. of the present Treaty with regard to the Right of temporarily suspending the Operation of Articles III. and IV. thereof.

Article VI.—And it is hereby further agreed, that the Provisions and Stipulations of the foregoing Articles shall extend to the Island of Newfoundland, so far as they are applicable to that Colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States, shall not embrace, in their Laws enacted for carrying this Treaty into effect, the Colony of Newfoundland, then this Article shall be of no Effect; but the Omission to make Provision by Law to give it Effect, by either of the Legislative Bodies aforesaid, shall not in any Way impair the remaining Articles of this Treaty.

And whereas the said Treaty was ratified between Her said Majesty and the United States, and such Ratification was exchanged on the Ninth Day of September One thousand eight hundred and fifty-four: And whereas in pursuance of the said Treaty the Senate and House of Representatives of the United States of America in Congress assembled have passed an Act entitled "An Act to carry into effect "A Treaty between the United States and Great Britain," signed on the Fifth Day of June One thousand eight hundred and fifty-four, which Act was approved on the Fifth Day of August One thousand eight hundred and fifty-four, by which Act it is among other things provided, that whenever the President of the United States shall receive satisfactory Evidence that the Imperial Parliament of Great Britain, and the Provincial Parliaments of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, have passed Laws on their Part to give full Effect to the Provisions of the said Treaty, the said President is thereby authorized to issue his Proclamation declaring that he has such Evidence, and thereupon the Provisions of the said Treaty shall go into effect, and be observed on the Part of the United States: And whereas the Legislatures of the Colonies aforesaid have respectively passed Laws to carry the said Treaty into operation; namely, an Act passed by the Legislature of Canada, intituled "An Act for giving Effect on the Part of this Province to a "certain Treaty between Her Majesty and the United States of "America;" an Act passed by the Legislature of Nova Scotia, intituled "An Act for giving Effect on the Part of the Province of "Nova Scotia to a certain Treaty between Her Majesty and the "United States of America;" an Act passed by the Legislature of New Brunswick, intituled "An Act for giving Effect on the Part of "the Province of New Brunswick to a certain Treaty between Her "Majesty and the United States of America;" and an Act passed by the Legislature of Prince Edward Island, intituled "An Act to autho- "rize Free Trade with the United States of America under a Treaty "between Great Britain and the United States of America:" And whereas it is expedient that effectual Provision should be made by Parliament for carrying into operation the said Treaty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts at variance with Provisions of said Treaty suspended.

I. All Acts of Parliament and Laws which operate to prevent the Provisions of the said Treaty from taking full Effect shall, so far as they so operate, be suspended and of no Effect during the Continuance of the said Treaty.

II. This

II. This Act shall come into operation in each of the said Colonies of Canada, New Brunswick, Nova Scotia, and Prince Edward Island as soon as the same shall have been received and proclaimed by the Officer administering the Government of such Colony.

Act to come into operation after Proclamation in said Colonies.

III. Whenever the necessary Laws shall have been passed by the Legislature of Newfoundland, and approved by Her Majesty, for giving Effect to the Provisions and Stipulations of the said Treaty as it respects that Colony, it shall be lawful for the Officer administering the Government of Newfoundland by his Proclamation to declare that, after a Time fixed in such Proclamation for that Purpose, the Provisions and Stipulations mentioned or referred to in the Sixth Article of the said Treaty shall extend to the said Island of Newfoundland so far as they are applicable to that Colony, and thereupon from the Time so fixed the said Provisions and Stipulations shall be so extended and have full Effect accordingly, any Act of Parliament, Law, Custom, or Usage to the contrary notwithstanding.

Provision for Extension of the Treaty to Newfoundland.

Fisheries (North America).

A

BILL

To carry into effect a Treaty between Her Majesty and the United States of America

(Prepared and brought in by Mr. Peel and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 30 *January* 1855.

[Bill 16.]

Under 1 *oz.*

Formation, &c. of Parishes Bill.

ARRANGEMENT OF CLAUSES.

As to Formation of Parishes or Districts, and Sites for Churches.

Preamble.

Commissioners may constitute a new Parish, whether it contains a Church within its Limit or not; Sect. 1.

District containing a Church to become a new Parish on being constituted a separate District by Order in Council; 2.

3 & 4 Vict. c. 113. s. 67. extended to this Act; 3.

Endowment according to 6 & 7 Vict. c. 37. s. 9. may be modified; 4.

Provisions of 6 & 7 Vict c. 37. s. 22. to apply to Ecclesiastical and Collegiate Corporations; 5.

Public Departments may make Grants for Purposes of Acts; 6.

Ecclesiastical Commissioners may appropriate Lands for Sites of Churches; 7.

Commissioners enabled to purchase Sites for Churches, &c. according to the Provisions of the Lands Clauses Consolidation Act, 1845; 8.

As to Pew Rents.

Right to Pews to be transferred to Church of such new Parish; 9.

Part of the First Section of the 8 & 9 Vict. c. 70. retained; 10.

Pew Rents may be taken according to Scale; 11.

Scale of Pew Rents may be altered; 12.

Clerk and Sexton to be appointed by Incumbent, and their Salaries fixed by Commissioners, and paid out of Pew Rents; 13.

Portions of Pew Rents may be accumulated towards permanent Endowment; 14.

Accumulation to be applied towards permanent Endowment; 15.

Upon permanent Endowment of any Church or Chapel, a proportionate Number of Sittings to be declared free, or Scales of Pew Rents to be reduced; 16.

As to Churchyards, Vaults, and Burials.

Fees for Interments, and Profits of Sale of Vaults, to belong to Incumbent; 17.

No Grave to be made at a less Distance than Twenty Feet from the Walls of the Church; 18.

Power to alter Fences in Churchyards and turn Footpaths according to 59 Geo. 3. c. 134. s. 39; —19.

Freeholds of Churches and Burial Grounds to vest in Incumbents; 20.

Performance of the Offices of the Church.

Offices of the Church to be performed in all Churches or Chapels to which any District may have been assigned under the Church Building Acts; 21.

As to Districts becoming new Parishes.

Districts assigned to Churches or Chapels under the Church Building Acts may become new Parishes upon Application of Incumbent and Churchwardens; 22.

Commissioners may direct Revenues belonging to or arising from Church of Mother Parish to be retained; 23.

Existing Laws and Regulations respecting Vestries to apply to Vestries of new Parishes; 24.

Church Rates to be only applicable where levied; 25.

Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish; 26.

Style and Character of Ministers of new Parishes; 27.

As to Patronage and Endowment.

6 & 7 Vict. c. 37. s. 20. extended; 28.

Patronage may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations; 29.

Assignment of Patronage to be made with certain Consents; 30.

Notices to be sent to Patrons; 31.

Who to be deemed Patrons; 32.

Patronage not to be sold; Penalty of Lapse for so doing; 33.

Patronage may be vested in certain Cases in Incumbent of original Parish; 34.

Lands, Tithes, &c., and other Endowments, to vest in Incumbent and his Successors; 35.

As to Trustees for the Exercise of Patronage.

When several join in building or endowing, Patronage to be vested in Trustees; 36.

Appointment of Trustees, &c.; 37.

As to Division of Parishes and Re-settlement of Endowments.

Parishes may be divided, with certain Consents; 38.

In new Parishes and Parishes already divided, a Division and Re-settlement of Endowments may be made; 39.

Substitution of another Church for existing Parish Church.

Another Church may be substituted for the old Parish Church, with certain Emoluments and Endowments transferred; 40.

Powers of Commissioners with respect to Houses of Residence, and Endowments of Benefices.

Commissioners to have same Powers with respect to Endowment and House of Residence belonging to Benefice as they now have with respect to Endowments and Houses of Residence of Corporations Aggregate and Sole; 41.

Churches or Chapels without Districts.

Churches and Chapels without Districts to be served by Incumbents of the Parish in which they are situate, or by Person appointed by Incumbent; 42.

Parish of Manchester Division Act.

Saving of Parish of Manchester Division Act, 1850, and other Parochial Rights, except as expressly provided; 43.

As to Repeal of Statutes.

Repeal of Church Building Acts; 44.

Existing Status of Proceedings under the Church Building Acts confirmed; 45.

Monies which would have been payable to Church Building Commissioners to be paid to Ecclesiastical Commissioners; 46.

The Commissioners to complete and confirm all Matters in progress under the Church Building Acts; 47.

Interpretation Clauses.

Interpretation of Terms; 48.

Extension of Act.

Extent of Act; 49.

SCHEDULE.

A

B I L L

TO

Make better Provision for the Formation and Endowment of separate and distinct Parishes.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to afford increased Facilities for the Subdivision of populous Districts, and for the Formation thereout of separate and distinct Parishes for all Ecclesiastical Purposes, and also to make better Provision for the Endowment and Augmentation of poor Livings in England and Wales: And whereas by an Act passed in the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, the Ecclesiastical Commissioners for England are empowered, in the Case of Parishes, Chapelries, and Districts of great Extent and containing a large Population, to constitute any Part or Parts thereof a separate District for Spiritual Purposes, such District not at the Time of so constituting the same containing within its Limits any consecrated Church or Chapel, and it is expedient that the Provisions of the said Act relative thereto, and to the Matter and Things consequent thereon, should be extended and amended in manner following: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Preamble. 6 & 7 Vict. c. 37. s. 9.

present Parliament assembled, and by the Authority of the same, as follows: That—

Commissioners may constitute a new Parish, whether it contains a Church within its Limit or not.

I. If at any Time it shall be made to appear to the said Commissioners that it would promote the Interests of Religion that any Part or Parts of any Parish, District, or Place, or contiguous Parishes, Districts, or Places, or Parts thereof respectively, should be constituted a separate District for Spiritual Purposes, it shall be lawful, by the Authority and in the Manner provided by the said Act, at any Time to set out by Metes and Bounds and constitute a separate District accordingly, whether such District shall then contain within its Limits any consecrated Church or Chapel for the Purposes of Divine Worship or not, any Local Act of Parliament whatsever to the contrary notwithstanding, and to fix and declare a Name for the same; subject nevertheless, as to the Constitution of the same, to such Provisoes, Conditions, and Regulations as are contained in the said Act of the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, relative to the Constitution of separate Districts thereunder.

District containing a Church to become a new Parish on being constituted a separate District by Order in Council.

II. In case such proposed District shall already contain within its Limits any consecrated Church or Chapel, some such Church or Chapel shall be specified in the Application to be made as aforesaid as and for the Church intended to belong to such District; and immediately upon the issuing of the Order of Her Majesty in Council ratifying the Scheme for constituting such proposed District a separate District, such District shall become and be a new Parish, such as is contemplated by this Act, and the Incumbent of such Church or Chapel shall be liable to the Performance of Pastoral Duty within the Limits of such District.

3 & 4 Vict. c. 113. s. 67. extended to this Act.

III. The Third and Fourth of Victoria, Chapter One hundred and thirteen, Section Sixty-seven, shall extend and be applicable to Districts and Parishes constituted or brought within the Provisions of this Act.

Endowment according to 6 & 7 Vict. c. 37. s. 9. may be modified.

IV. Where the said Commissioners shall state in any Scheme for constituting any District under the Provisions of the said recited Acts or of this Act, that it appears to them, for Reasons to be specified in such Scheme, that it is expedient that such District should be constituted, without providing in such Scheme for the same District so large a permanent Endowment as is required by the Ninth Section of the said first-recited Act, or without providing any such permanent Endowment, it shall be lawful for the said Commissioners to recommend the Constitution of such District accordingly.

V. The

Provisions of 6 & 7 Vict. c. 37. s. 22. to apply to Ecclesiastical and Collegiate Corporations.

V. The Powers and Provisions contained in the Twenty-second Section of the said first-recited Act, enabling any Person or Body Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical or Collegiate Corporation, aggregate or sole, to give or grant any Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, belonging to such Corporation, in such Manner as is in the said firstly and secondly recited Acts mentioned, for the Purposes of the said recited Acts or of this Act: Provided always, that the said Powers shall not be exercised by the Incumbent of any Benefice with Cure of Souls without the Consent of the Patron of such Benefice.

Public Departments may make Grants for Purposes of Acts.

VI. And for the like Purposes it shall be lawful for the Officer or Officers of any Public Department having or holding any Messuages, Lands, Tenements, or Hereditaments, for and on behalf of Her Majesty and Her Successors for the public Use of any such Department, by Deed duly executed according to the Custom of the particular Department, and countersigned by the Commissioners of Her Majesty's Treasury, to give, grant, and convey to the said Ecclesiastical Commissioners any such Messuages, Lands, Tenements, and Hereditaments, and for the said Ecclesiastical Commissioners to receive, take, and hold and enjoy the same for the Purposes aforesaid, and such Gifts, Grants, and Conveyances shall be valid and effectual in Law without any Licence or Writ of Ad quod damnum, the Statute of Mortmain or any other Statute or Law to the contrary notwithstanding.

Ecclesiastical Commissioners may appropriate Lands for Sites of Churches.

VII. It shall be lawful by the Authority in the said first-recited Act mentioned, that is to say, by a Scheme prepared by the Ecclesiastical Commissioners for England, and ratified by a duly gazetted Order of Her Majesty in Council, to assign and appropriate as and for a Site for any Church or Chapel to be provided for the Use and Service of the Minister and Inhabitants of any District constituted or to be constituted under the Provisions of the said firstly and secondly recited Acts, or either of them, or of this Act, any Lands and Premises vested or which may become vested in the said Ecclesiastical Commissioners for England.

Commissioners enabled to purchase Sites for Churches, &c. according to the Provisions of the Lands

VIII. For the Purposes of this Act, it shall be lawful for the Commissioners, by the Authority aforesaid, to take and purchase, according to the Provisions of the "Lands Clauses Consolidation Act, 1845," any Land, Buildings, Dwelling Houses, Offices, Gardens, or Yards, with their Appurtenances, that may be necessary for or as the Sites of Churches or Burial Grounds, or for or as Houses of Residence or Sites

Clauses Consolidation Act, 1845.

of Houses of Residence, authorized to be built or provided by this Act; and for this Purpose all the Clauses and Provisions of the said last-mentioned Act with respect to the Purchase by Agreement or the taking of Lands, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or refusing or neglecting or failing to make a Title, whether from Disability or Absence, or otherwise, and also with respect to Conveyances of Lands, so far as the same Clauses and Provisions are applicable to the Cases contemplated by this Provision, shall be incorporated in this Act; and in all Cases contemplated by this Provision the Expression "the Special Act," used in the said Clauses and Provisions of the said Lands Clauses Consolidation Act, 1845, shall be construed to mean this Act; and the Expression "the Promoters of the Undertaking" shall be construed to mean the Ecclesiastical Commissioners for England.

Right to Pews to be transferred to Church of such new Parish.

IX. No Person resident within the Limits of any new Parish or District already formed under any of the Church Building Acts, or hereafter to be formed under the Provisions of the said Acts of the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, or of this Act, shall, after the passing of this Act, or after the Consecration of a Church as the Parish Church of such District, in case there should be no Church within such District upon its Formation, retain any Right to a Pew or Sittings in the Church or Chapel of the original Parish or other Ecclesiastical District out of which such new Parish shall have been taken, whether held by Faculty or otherwise; but every Person to whom any such Right may have legally belonged shall be held to have and possess the same Right and Title to a Pew or Sittings in the Church or Chapel of such new Parish as nearly equivalent to the Pew or Sittings hereby taken away as the Circumstances of the Case will permit, and may require such Pew or Sittings to be assigned to him by the Church or Chapel Wardens of the same Church or Chapel for the Time being, by an Instrument under their Hands, to be approved by the said Ecclesiastical Commissioners under their Common Seal, and the Right or Title to such Pews or Sittings shall be determined in manner herein-after provided.

Part of the 1st Section of the 8 & 9 Vict. c. 70. retained.

X. So much of the First Section of the Act of the Eighth and Ninth Years of Her Majesty, Chapter Seventy, as relates to the Investigation of the Claims of Persons to Pews upon the Substitution of a new Church for an old Parish Church, and to the Directions for conducting the same, and to the Settlement of such Claims, shall be retained, and shall be applicable for settling the Claims of Persons to Pews which shall arise in consequence of the foregoing Provisions of this Act.

XI. Where

Pew Rents may be taken according to Scale.

XI. Where the said Commissioners shall, by an Instrument in Writing under their Common Seal, with the Consent of the Bishop of the Diocese under his Hand, order and declare that annual Rents may be reserved and taken in respect of any Pews or Sittings in the Church or Chapel of any new Parish constituted or to be constituted under the Provisions of the said recited Acts or of this Act (not exceeding Two Third Parts of the whole Number of Pews or Sittings in such Church or Chapel), which they are hereby empowered to do, the same Rents shall be charged, levied, and taken by the Church or Chapel Wardens for the Time being of such Church or Chapel after a Rate or Scale which shall be specified in such Instrument, and the Proceeds shall be applied by such Church or Chapel Wardens to such Uses, connected with the Maintenance of the same Church or Chapel, or of the Services or of the Minister thereof, as shall also be specified in such Instrument.

Scale of Pew Rents may be altered.

XII. It shall be lawful for the said Commissioners, by an Instrument or Instruments under their Common Seal as aforesaid, with the like Consent of the Bishop, from Time to Time or at any Time, to rescind the whole or any Part of the Provisions contained in any Instrument such as aforesaid which may be in force; but no Alteration to be so made shall take effect until the next Avoidance of the Church or Chapel to which the same shall relate, unless with the Consent of the Incumbent thereof under his Hand.

Clerk and Sexton to be appointed by Incumbent, and their Salaries fixed by Commissioners and paid out of Pew Rents.

XIII. It shall be lawful by the Authority aforesaid to fix and settle such annual Sum as may be fair and reasonable as and for the Salaries of such Persons who may be appointed to the Offices of Clerk and Sexton in the Churches of new Parishes created under the firstly and secondly recited Acts, or either of them, or this Act, and such Sums shall be charged upon and paid out of the Pew Rents of such Church, and be in lieu of all other Fees, Dues, and Allowances whatever: Provided always, that every such Parish Clerk and Sexton shall and may be appointed by the Incumbent for the Time being of such Church, and be by him removeable, with the Consent of the Bishop of the Diocese, for any Misconduct.

Portions of Pew Rents may be accumulated towards permanent Endowment.

XIV. The said Commissioners, with the like Consent of the Bishop, may, in any such Instrument under their Hand, order and direct that any Proportion of the Pew Rents authorized or to be authorized to be taken in any Church or Chapel, not exceeding One Fourth Part thereof, shall be paid over to them, towards a Fund for the Repair of or for the permanent Endowment of such Church or Chapel or of the Incumbent thereof, and such Proportion shall be paid over by the Church or Chapel Wardens accordingly, or Persons acting as such, and be accumulated in the Books of the said Commissioners at Compound Interest, after the Rate of *Three Pounds* per Centum per Annum.

Accumulations to be applied towards permanent Endowment.

XV. Whenever and so often as any Monies which may be received by the said Commissioners, under the Provisions of this Act, in respect of the Rents of Pews or Sittings in any Church or Chapel, shall amount or have accumulated to a Sum equal to the Price for the Time being of a Sum of One thousand Pounds Three per Centum Stock, it shall be lawful for the said Commissioners and they are hereby required to appropriate, in such Proportions as they shall determine, the yearly Sum of *Thirty Pounds*, which shall be taken as the annual Proceeds of such accumulated Sum, to the Augmentation of the permanent Endowment and to the Repair Fund of the Church or Chapel from which such Rents shall have arisen, and the said Commissioners shall, by the Authority of a Scheme, ratified by an Order of Her Majesty in Council as aforesaid, apply the same accordingly.

Upon permanent Endowment of any Church or Chapel a proportionate Number of Sittings to be declared free, or Scale of Pew Rents to be reduced.

XVI. Upon the permanent Endowment of any such Church or Chapel, by the Application of any such yearly Sum as aforesaid, or upon a permanent Endowment, approved by the Commissioners, being provided, either in whole or in part, by any Body or Person, for any Church or Chapel in which Pew Rents have previously been authorized to be taken, the Commissioners may thereupon in either Case, under such an Instrument under their Common Seal as is herein-before mentioned, with the Consent of the Bishop of the Diocese, make an equivalent Reduction in the total Amount of the Rents authorized to be taken for the Pews or Sittings in such Church or Chapel, either by a Reduction of the Rate or Scales, or by declaring certain specific Pews or Sittings theretofore chargeable with the Rents to be absolutely free: Provided always, that if any Sum or Sums of Money have been borrowed under the Authority of any Act of Parliament or Order in Council upon the Security of such Pew Rents or of any Part of them, such Interest shall not take effect until after the Repayment of all Sums so charged or chargeable.

Fees for Interments and Profits of Sale of Vaults to belong to Incumbent.

XVII. All Fees, Dues, and Payments whatsoever which shall arise from or be payable in respect of the Sale or other Disposition, or from or in respect of the opening for the Purposes of Interment of the Vaults or Burial Places under the Church or Chapel, or of the Vaults or Burial Ground in the Cemetery or Yard of the Church or Chapel of any Parish or District created or constituted pursuant to the Provisions of this Act, shall belong and be paid to the Incumbents for the Time being of such Church or Chapel: Provided always, that if there shall not be any Burial Ground or Cemetery belonging to such Church or Chapel, then, and in the meantime and until a Burial Ground or Cemetery shall be provided for such Church or Chapel, the Bodies of Persons dying within such Parish or District may be interred in the

the Cemetery or Burial Ground of the Church or Chapel of the original Parish, District, or Place out of which such aforesaid Parish or District shall have been taken, and the Fees, Dues, and Payments in respect of such last-mentioned Interments shall belong and be paid to the Incumbent of such original Parish, District, or Place.

No Grave to be made at a less Distance than Twenty Feet from the Walls of the Church.

XVIII. So much of the said Act of the Fifty-eighth Year o George the Third, Chapter Forty-five, as is contained in the Eightieth Section of the same, shall, notwithstanding any Repeal of the said Act herein-after contained, remain and be in full Force and Effect, and shall also be applicable in all its Particulars in the Cases of Churches and Chapels erected or to be erected under the Provisions of the said first-mentioned Act or of this Act, as fully and effectually s if the aforesaid Provision had been repeated herein.

Power to alter Fences in Churchyards, and turn Footpaths according to 59 G. 3. c. 134. s. 39.

XIX. The Powers and Authorities vested in the Church Building Commissioners by the Thirty-ninth Section of the said Act of the Fifty-ninth Year of George the Third, Chapter One hundred and thirty-four, shall, notwithstanding any Repeal of the said Act herein-after contained, remain whole and entire, and shall be transferred to and be vested in the Ecclesiastical Commissioners for England, and shall be deemed to be repeated and incorporated herein, and, subject to such Consent and Notice as in the aforesaid Section is mentioned, may be used and applied by the said Ecclesiastical Commissioners as well in the Cases contemplated in the aforesaid Provision of the last-mentioned Act as in the Case of the Churchyard or Burial Ground of any Parish or District created or constituted pursuant to the Provisions of the said firstly and secondly recited Acts or of this Act.

Freeholds of Churches and Burial Grounds to vest in Incumbents.

XX. The Freehold of the Site of the Church of any new Parish created under this Act, or the said firstly and secondly recited Acts, or of any Church or Chapel built pursuant to the said Church Building Acts, and of the Churchyard, Burial Ground, and Vaults belonging thereto, with the Rights, Members, and Appurtenances thereof, and the House of Residence, with the Appurtenances thereof, and all the Lands, Tithes, Tenements, Hereditaments, and other Endowments belonging to such Church or Chapel, or held by or vested in any Person or Body Corporate in trust exclusively for or for the exclusive Benefit of the Incumbent of such Church or Chapel, shall become and be vested in such Incumbent and his Successors for ever, and be held and enjoyed by him and them in right of such Incumbency; and all Lands, Tenements, or Hereditaments granted or conveyed for the Site of any Church or Chapel, and upon which any Church or Chapel shall be built, or for a Burial Ground, shall from and after the Consecration of such Church and Burial Ground

respectively remain and be freed from and discharged of all the Estate, Right, Title, Interest, Claim, and Demand of any Person, Body Politic or Corporate whatsoever, including Her present Majesty and Her Successors, unto or out of the same or any Part thereof respectively, subject nevertheless to any Rent that may be reserved thereout, and to the Covenants and Conditions subject to which the same may have been granted or conveyed.

Offices of the Church to be performed in all Churches or Chapels to which any District may have been assigned under the Church Building Acts.

XXI. It shall be lawful, immediately upon the *passing of this Act*, to publish Banns of Matrimony in every Church or Chapel to which a District shall have been assigned, under and according to the Laws and Canons now in force in this Realm, to solemnize therein Marriages, Baptisms, Churchings, and Burials, and to require and receive such Fees upon the Solemnization of such Offices as are now fixed and payable, and where the same are not now fixed, then such Fees as shall be fixed by the Chancellor of the Diocese in which such District shall be situate, who is hereby empowered and required to fix the same accordingly; and all such Fees, as well as all the Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within the Limits of such District, shall be payable to the Incumbent of such District, and shall be by him retained or paid over, either wholly or in part, to the Incumbent of the original Parish, District, or Place out of which such District shall have been taken, according as such Fees shall have been wholly or in part or not at all reserved to such last-named Incumbent, or to such Incumbent and his Successors; and the several Laws, Statutes, and Customs in force relating to the Publication of Banns of Matrimony, and to the Performance of Marriages, Baptisms, Churchings, and Burials, and the registering thereof respectively, and to the suing for and recovering of Fees, Oblations, or Offerings in respect thereof, shall, when and as the same become payable to the Incumbent of such Church or Chapel, apply to such Church or Chapel and to the Incumbent thereof for the Time being: Provided always, that the Minister of such Parish or District shall not be entitled to require a Fee for the Performance of any Baptism within his Parish, or for the Registration thereof.

Districts assigned to Churches or Chapels under the Church Building Acts may become new Parishes, upon Application of Incumbent and Churchwardens.

XXII. Upon an Application made to the Ecclesiastical Commissioners by the Incumbent and acting Church Ministers of the Church or Chapel of any District, Chapelry, or Place which shall not at the Time of the passing of this Act be a separate and distinct Parish of any District, it shall be lawful, by the Authority aforesaid, and with the Consent of the Bishop, to declare such District, Chapelry, or Place a new and independent Parish for all Ecclesiastical Purposes; and the Church or Chapel of such District or Chapelry shall be the Church of such new Parish, and all and singular the Provisions of the said firstly

firstly and secondly recited Acts (as amended by this Act) relative to new Parishes, upon their becoming such, and to the Matters and Things consequent thereon, and to the Patronage of the same, so far as such Patronage is liable to be affected by any Provisions relative thereto herein-after contained, and no further, shall extend and apply to the said Parish and Church and the Patronage thereof, as fully and effectually as if the same had become a new Parish under the Provisions of the said last-mentioned Acts.

Commissioners may direct Revenues belonging to or arising from Church of Mother Parish to be retained.

XXIII. Upon any such District becoming a new Parish, or at any Time subsequent thereto, the Commissioners may, if they think fit, direct that all or any Portion of the Revenues or Endowments arising from or belonging to the Church of the original Parish out of which such new Parish has been taken, and which may have been before applicable towards the Endowment of the Church of such new Parish, shall cease to be so applicable or to be received by the Incumbent thereof, anything contained in any Local Act to the contrary notwithstanding.

Existing Laws and Regulations respecting Vestries to apply to Vestries of new Parishes.

XXIV. All the Laws and Regulations in any Act of Parliament now in force contained relative to the Constitution and Duties of Parish Vestries, so far as the same relate to Ecclesiastical Matters and Things, and to the Modes of Proceedings thereat, shall be applicable to the Vestries of all Parishes created pursuant to the Provisions of the said firstly and secondly recited Acts, or either of them, or this Act; and no Person being a Member of the Vestry of any Parish shall act in relation to any Ecclesiastical Matters or Things relating to any other Parish, or to the Church or Chapel of any other Parish, than that within which he shall reside, except he shall own Property within such other Parish sufficient to entitle him to vote at the Vestry thereof.

Church Rates to be only applicable where levied.

XXV. No Church Rate levied within any Parish shall be applicable to any but to the Church and to the Church Purposes of such Parish: Provided always, that when any Church Rates shall at the Time of the passing of this Act be chargeable under any Act of Parliament with the Repayment of any Sum of Money, or with the Payment of the Interest upon any Sum thereby authorized to be borrowed upon the Security of such Rates, such Church Rates shall still continue to be levied and be chargeable for such Purposes accordingly.

Reserved Fees to belong to original Incumbent until First Avoidance,

XXVI. Whenever upon any District becoming or having become a new Parish under this or the said Acts any of the Fees, Dues, Oblations, or Offerings arising within the Limits of such new Parish, or payable in respect of the Performance in the Church thereof of any of the Offices of the Church, shall, either wholly or in part, be or have

then to the Incumbent of new Parish.

been reserved or otherwise of Right belong to the then Incumbent of the original Parish, District, or Place out of which such new Parish shall be or shall have been taken, during his Incumbency, or to such Incumbent and his Successors, then and in every such Case such Fees, Dues, Oblations, or Offerings shall continue to be paid over by the Incumbent of such new Parish, either wholly or in part, according as the Custom has been, to the then Incumbent of such original Parish, District, or Place, during such his Incumbency as herein-before directed; but from and after the First Avoidance of the Church or Chapel of such original Parish, District, or Place, all the Fees, Dues, Oblations, or Offerings arising within such new Parish that may lawfully be required, and no other, shall be paid to and shall wholly and entirely be retained by the Incumbent for the Time being of such new Parish, and shall be received and be recoverable by him in like Manner as the Incumbent for the Time being of the original Parish, District, or Place would have been entitled to receive and recover the same or any Part thereof in case the same had not been so transferred; and the Commissioners shall, out of any Funds at their Control not specially applicable for any other Purpose, assign to the Incumbent for the Time being of such original Parish, District, or Place such annual Sum as may appear to the Commissioners a just and reasonable Compensation for the Loss which such Incumbent may sustain by reason of the Transfer of such Fees, Dues, Oblations, or Offerings.

Style and Character of Ministers of new Parishes.

XXVII. Notwithstanding anything in the firstly-recited Act contained, the Incumbent for the Time being of the Church of every new Parish which shall have become such under the said Act shall be styled the Rector or Vicar of such Parish, according as such Parish or the greater Part thereof shall have been originally contained within the Limits of a Rectory or Vicarage; and the Incumbent for the Time of every new Parish which shall hereafter become such under the said last-mentioned Act or this Act shall be styled the Vicar or Rector (as may be recommended by the Commissioners in the Scheme for constituting or declaring such separate District or new Parish) of the new Parish of , according to the Name fixed for the same as aforesaid, and such Rectors or Vicars, as the Case may be, shall in all respects be subject to the Jurisdiction of the Bishop and Archdeacon within whose Diocese and Archdeaconry such District shall be situate, and shall be subject to all Laws and Regulations for the Time being in force respecting Presentation, Institution, Collation, Induction, Residence, the ceasing or Determination of Incumbency, and the holding of Ecclesiastical Preferment, and shall be a Body Politic and Corporate, and shall have perpetual Succession, by the Name and in the Character aforesaid, and may in such Name and Character,

Character, notwithstanding the Statutes of Mortmain, receive and take to them and their Successors as well every Grant of Endowment or Augmentation made or granted by the Authority aforesaid as also any Real or Personal Estate or Effects whatsoever which any Person or Persons or Body Corporate may give or grant to them according to Law.

6 & 7 Vict. c. 37. s. 20. extended.

XXVIII. The Provisions contained in the Twentieth Section of the said firstly-recited Act respecting the Assignment of the Right of Patronage, either in perpetuity or for One or more Nominations, in certain Cases, by the Commissioners, shall apply to the Case of the Patronage of any Church or Chapel to which a District shall have been assigned, and the Patronage of which is vested by any of the Church Building Acts or by this Act in the Incumbent of the original Parish, District, or Place out of which such aforesaid District shall have been taken, by reason of his being such Incumbent, and not of any private Right, or of any new Parish which shall hereafter be constituted under this Act, or of any Benefice the Value of which is under Twenty Pounds in the King's Books, and the Patronage of which is vested in the Crown, and may be exercised by the Lord High Chancellor of Great Britain for the Time being, or of any Benefice in public Patronage, and the Patronage of which is vested in any Ecclesiastical Corporation, aggregate or sole, provided that the permanent annual Endowment of such Benefices respectively shall not exceed Two hundred Pounds per Annum: Provided always, that whenever it shall be proved to the Commissioners that any Church or Chapel to which a District shall have been assigned, and the Patronage of which is vested by any of the Church Building Acts or by this Act in the Incumbent of the original Parish, District, or Place out of which such District has been taken, has been erected or partially endowed mainly through the Exertions of the existing Incumbent of such original Parish, such Incumbent shall not be deprived of the Patronage of such Church, by any Assignment of the same during his Incumbency, without his Consent.

Patronage may be conferred upon Contributors to Endowment, or their Nominees, upon certain Considerations.

XXIX. An Endowment or Augmentation provided by some one or other of the Modes and in the Proportion following, provided the Commissioners shall think fit to accept the same, shall be sufficient for the Assignment by them of such Patronage in perpetuity:

I. The building a Church as and for the Church of such District, in case there shall be no Church at that Time situate therein and belonging thereto, and providing for the permanent Endowment of such Church a clear yearly Sum of not less than *Forty Pounds:*

II. The permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of not less than *One hundred and fifty Pounds:*

III. The permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of *One hundred Pounds*, and building or providing, in addition, upon a Plan to be approved by the Commissioners, a Parsonage House, to be held and enjoyed as and for the House of Residence of the Incumbent for the Time being of such Church or Chapel:

And such annual and Principal Sums respectively shall arise and be secured in such Manner as shall be approved of by the said Commissioners; provided that in lieu of such annual Sums respectively the Commissioners may accept such Principal Sums as at the current Rate of Interest on Money invested in the Public Funds would yield the respective annual Sums hereby required to be provided.

Assignment of Patronage to be made with certain Consents.

XXX. Such Assignment shall be made in the following Case with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Lord High Chancellor of Great Britain for the Time being, with the Consent of the Crown; in the Case of a Benefice in the Patronage of a Bishop, with the Consent of the Archbishop of the Province; in the Case of a Benefice in the Patronage of any Ecclesiastical Corporation Aggregate, or of an Incumbent of any Benefice, with the Consent of the Bishop of the Diocese; in the Case of a Benefice in the Patronage of a Canon or Prebendary, with the Consent of the Patron of such Canonry or Prebend respectively.

Notices to be sent to Patrons.

XXXI. When the Commissioners shall intend to make any such Assignment as aforesaid, they shall give Notice in Writing of such Intention to the Patron or Patrons of such Benefices, and shall not proceed to make such Assignment until after the Expiration of Three Months from the Date of such Notices being sent; and no such Assignment shall be made to any other Body or Person whatsoever, whenever such Patron or Patrons shall, within the above-mentioned Period, undertake to provide a permanent Endowment or Augmentation in one or other of the Modes heretofore mentioned, to the Satisfaction of the said Commissioners.

Who to be deemed Patrons.

XXXII. The Provisions of an Act passed in the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and six, relative to the Party or Parties who shall be deemed the Patron or Patrons of the Benefices therein mentioned, shall be applicable for the Purposes of this Act.

XXXIII. When-

XXXIII. Whenever the Right of Patronage of any such before-mentioned Benefice with Cure of Souls shall, pursuant to the foregoing Provisions of this Act, have become vested in perpetuity in any Body or Person by reason of such Body or Person having augmented the Endowment of such Benefice in such adequate Manner as is hereinbefore mentioned, and whenever such Benefice shall, at the Time of such Transfer of Patronage, be already permanently endowed with an annual Sum of not less than *Forty Pounds*, no subsequent Sale or Assignment or other Disposition of such Patronage by any Body or Persons whatsoever, for any valuable Consideration whatever, shall be made until after the Two Nominations to such Benefice, Church, or Chapel next following upon such Assignment, but every such Sale, Assignment, or other Disposition of such Patronage shall be illegal, and every Presentation, Collation, Admission, Institution, or Induction thereupon shall be void, and the Right of Patronage of such Benefice shall thereupon for Two Nominations lapse to the Bishop.

Patronage not to be sold.

Penalty of Lapse for so doing.

XXXIV. Upon the Constitution of a new Parish under the said Acts or this Act, it shall be lawful for the Commissioners, in the meantime and until the Conditions of the said Acts or of this Act relating to the Assignment of the Patronage of the Church of such new Parish in consideration of an Endowment provided for the same shall have been complied with, and subject to the Conditions relating thereto herein contained, to assign such Patronage, if they shall see fit, to the Incumbent of the original Parish out of which such new Parish shall have been taken, and if such Parish shall have been formed out of more than One Parish, then to one or other of the Incumbents of such Parishes as they shall think fit, anything contained in the Twenty-first Section of the first-recited Act to the contrary notwithstanding

Patronage maybe vested in certain Cases in Incumbent of original Parish.

XXXV. All Endowments, of whatever Form and Character, which shall hereafter be provided for any Parish, District, or Benefice, and the Church or Chapel thereof, under the Provisions of the said firstly and secondly recited Acts or of this Act, shall be settled and assured by the Body or Person providing the same, free from Incumbrances, by such Deed or Deeds and in such Manner as the Commissioners shall from Time to Time direct, unto and to the Use of the Incumbent for the Time being of the Church or Chapel of such Parish, District, or Benefice, and his Successors for ever, or in case such Church or Chapel should then be vacant of an Incumbent, to the Bishop of the Diocese and his Successors, in trust for such Incumbent and his Successors for ever, when such Incumbent shall be admitted or licensed; and such Deed or Deeds shall be confirmed by the Commissioners under their Corporate Seal, and entered in the Registry of the Diocese in which such Parish, District, or Benefice shall be situate, and shall be

Lands, Tithes, &c. and other Endowments to vest in Incumbent and his Successors.

be enrolled in Her Majesty's High Court of Chancery within *Six* Months from the Date of the Execution of the same, and when so made, confirmed, and enrolled shall be valid and effectual in Law to all Intents and Purposes, whether such Church or Chapel shall be vacant or full of an Incumbent, and notwithstanding the Statute of Mortmain, or any other Law or Statute whatsoever.

When several join in building or endowing, Patronage to be vested in Trustees.

XXXVI. Wherever any Body and Person, or Two or more Bodies and Persons respectively, shall have joined in erecting and endowing any Church or Chapel, or in endowing or augmenting the Endowment of any Church or Chapel already erected, in pursuance of the foregoing Provisions of this Act, the Patronage of such Church or Chapel, as far as regards the Right thereto of such Bodies or Persons aforesaid, shall by such Deed of Endowment, made, confirmed, or enrolled as aforesaid, be vested in Truseees who shall be Members of the United Church of England and Ireland, and not more than Five in Number, to be for that Purpose named in such Deed of Endowment by the said Bodies or Persons so joining in erecting, endowing, or augmenting such Endowment as aforesaid, or by the major Part in Value of the Subscribers thereto respectively of not less than Fifty Pounds; and such Trustees shall, as regards such Bodies and Persons aforesaid, be the Patrons of such Church or Chapel, and upon every Vacancy thereof shall present or nominate thereto, or shall participate in the Patronage thereof upon alternate or other Vacancies, together with the former Patrons or Patron thereof (if any), as the Case may be, according as shall be directed and settled in and by the Deed of Endowment, and in default of any such Direction and Settlement, according as the Commissioners shall determine.

Appointment of Trustees, &c.

XXXVII. Every Trustee to be appointed in pursuance of the foregoing Provision shall, upon his Appointment, and as often as he exercises or concurs in exercising the Right of Nomination or Presentation, sign a Declaration that he is a Member of United Church of England and Ireland; and all Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability or Refusal to act, shall be filled up in such Manner as by the said Deed of Endowment shall be provided; and if it shall happen that all the Trustees for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment) appointed any other Trustees or Trustee as their Successors, or in case any Vacancy in the Number of such Trustees shall not be filled up for the Space of *One Year* from the Date of such Vacancy occurring, then and in either Case it shall be lawful for the Bishop of the Diocese to nominate, appoint, or complete the Number of Trustees by the said Deed of Endowment required; and every such Appointment, whether made in pursuance of the said Deed of Endowment or by the Bishop,

Bishop, shall be valid and effectual for the Purpose of conveying the Right of Nomination; and during any Vacancy or Vacancies in the Office of Trustee the remaining or continuing Trustees or Trustee for the Time being shall be capable of acting, as fully and effectually as if such Vacancy or Vacancies had been duly filled up: Provided always, that the Patronage of any such Church or Chapel shall not at any Time be vested in or held in trust by more than Five Persons, except where such Patronage passes by Descent to Coparceners, or by the Custom of Gavelkind to more than Five Persons, or is conveyed by Will or Deed to more than Five Children, Grandchildren, Nephews, or Nieces of the Grantor or Devisor.

Parishes may be divided with certain Consents.

XXXVIII. It shall be lawful for the Commissioners by the Authority aforesaid, and subject to such Consents as are herein-after mentioned, to divide any Parish into Two or more distinct and separate Parishes for all Ecclesiastical Purposes whatsoever, and to fix and settle the respective Proportion of Tithes, Glebe Lands, and other Endowments which shall arise, accrue, remain, and be within each of such respective Divisions, according as by the like Authority shall be deemed advisable; and the Order made by Her Majesty in Council, ratifying the Scheme for such Division, shall be good and valid in Law for the Purpose of effecting the same; and such Scheme shall set forth the particular Expedieney of such Division, and how far it may be necessary in consequence thereof to make any Alteration in Ecclesiastical Jurisdiciton, and how the Changes consequent upon such Division in respect of Patronage, Rights of Pew Holders, and other Rights and Privileges, Glebe Lands, Tithes, Rentcharges, and other Ecclesiastical Dues, Oblations, Offerings, Rates, and Payments, may be made with Justice to all Parties interested; and such Scheme shall also contain such Directions and Regulations relative to the Duties and Character of the Incumbents of the respective Divisions of such Parish, and to the Performance of the Offices and Services of the Church in the respective Churches thereof, and to the Fees to be taken for the same respectively, and to any other Matter or Thing which may be necessary or expedient by reason or in consequence of such Change: Provided always, that such Division shall be made in the following Cases with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Lord High Chancellor of Great Britain for the Time being, with the Consent of the Crown; in the Case of a College, with the Consent of the Visitor; in the Case of a Bishop, with the Consent of the Archbishop of the Province; in the Case of a Dean or a Dean and Chapter, with the Consent of the Bishop of the Diocese; in the Case of a Canon or Prebendary, with the Consent of the Patron of such Canonry or Prebend respectively; and in the Case of a Benefice in private Patronage, with the Consent of the Patron thereof: And

provided also, that no such Division shall take effect until after the First Avoidance then next ensuing of the Church of the Parish to be so divided, unless with the Consent in Writing of the actual Incumbent thereof.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.

XXXXI. In Cases where any Parish shall have been divided into Two or more distinct and separate Parishes, or where any District or new Parish shall have been constituted or formed out of any Parish, District, or Place, pursuant to the Provisions of the said Church Building Acts and the said firstly and secondly recited Acts, or either of them, or of this Act, it shall be lawful, by the Authority aforesaid, and with the Consent of the respective Patrons and Incumbents of such distinct and separate Parishes, or of such Parish, District, or Place, as the Case may be, to make a Separation and Division of the Glebe Lands, Tithes, Rentcharges, and other Endowments belonging to such distinct and separate Parishes, or to such Parish, District, or Place, and to annex and resettle the same to and for the Benefit of such distinct and separate Parishes, or of such Parish, District, or Place, and the District or new Parish constituted or taken thereout, as the Case may be, in such Manner and Proportions as by the Authority aforesaid may be deemed expedient, and to make such Regulations and Arrangements as may be requisite for effectually completing such Division and Settlement as aforesaid.

Another Church may be substituted for the old Parish Church, with certain Emoluments and Endowments transferred.

XL. It shall be lawful, by the Authority aforesaid, with the Consent of the Bishop of the Diocese, of the Patron, and of the Vestry of the Parish Church of any ancient or distinct Parish, to direct that any other Church or Chapel within the original Limits and Boundaries of such Parish shall, with the Consent of the Patron thereof, become and be the Parish Church of such Parish in the Stead of the ancient Parish Church, whether such Church or Chapel shall then be the Church or Chapel of a District or not, and to direct such Transfer or Exchange of Rights, Privileges, Dues, Emoluments, and Endowments to be made, and such other Matters and Things to be done and performed as may be necessary to carry out and complete such Change, and if such Church or Chapel shall be the Church or Chapel of a District, then to re-arrange the Bounds of such District, if necessary, and such other Church or Chapel shall thereupon become and be the Parish Church of such Parish, and such former Parish Church shall become and be a District Church, or a Chapel, with or without a District, according as by the Authority aforesaid shall be directed; and the Incumbent of such former Parish Church, shall become and be the Incumbent of such new Parish Church without any Presentation, Institution, or Induction, or other Form of Law whatever, and the Scheme to be prepared by the Commissioners for effecting such Substitution

Substitution shall set forth the Expediency of and the best Mode of accomplishing the same; and such Scheme shall also contain such Directions and Regulations relative to the several Matters and Things which are herein-before mentioned and required to be set forth in the Scheme for the Division of a Parish into Two or more distinct and separate Parishes, or as near thereto as the different Natures of the Cases will permit, or to any other Matter or Thing which may be necessary or expedient by reason or in consequence of such Substitution: Provided always, that the Order in Council ratifying the Scheme for such Substitution as aforesaid shall not come into operation until after the First Avoidance of the ancient Parish Church, or until after the First Avoidance of such Church or Chapel proposed to be substituted for such ancient Parish Church, in either Case then next ensuing, unless with the Consent in Writing of the actual Incumbents thereof: Such Scheme may nevertheless be prepared and ratified, notwithstanding the Vacancy of any Church affected thereby.

Commissioners to have same Powers with respect to Endowment and House of Residence belonging to Benefice as they now have with respect to Endowments and Houses of Residence of Corporations, aggregate or sole.

XLI. The Powers and Provisions of the said Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, and of an Act passed in the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Twenty-six, so far as the same authorize the selling, exchanging, or otherwise dealing with the Houses of Residence, and the Endowments of Ecclesiastical Corporations aggregate or sole, shall be applicable to authorize in like Manner the Sale, Exchange, or other Disposal of the Residence House of the Incumbent, or of the other Endowments of any Benefice with Cure of Souls, subject to the Consents of the Bishop of the Diocese, the Patron, and the Incumbent thereof, in Cases where, by the Authority aforesaid, such Sale, Exchange, or other Disposition may be deemed advantageous, and such Arrangements shall be made, by the Authority aforesaid, touching the Payment, Investment, and Application of the Purchase Money, and the Conveyance or Assurance of any Messuages, Lands, Tithes, Tenements, and Hereditaments, that may be necessary in consequence of such Sale, Exchange, or other Disposition, as by the like Authority shall be deemed advisable.

Churches and Chapels without Districts to be served by Incumbents of the Parish in which they are situate, or by Person appointed by Incumbent.

XLII. Every Church or Chapel (other than proprietary or private Chapels) within the Extent of this Act to which no District shall have been assigned under the said Church Building Acts or any of them, or which shall have no District legally or of Right belonging thereto, shall be held by the Incumbent for the Time being of the Parish in which such Church or Chapel may be situate, and shall be served by him, or by some Spiritual Person appointed by him.

 XLIII. Nothing

Saving of Parish of Manchester Division Act, 1850, and other Parochial Rights, except as expressly provided.

XLIII. Nothing herein contained shall be construed to affect or alter the Provisions of the Parish of Manchester Division Act, 1850, or, until Parliament shall otherwise determine, to affect or alter any Rights, Privileges, or Liabilities whatsoever, ecclesiastical or civil, of any Parish, District, or Place, except as is herein expressly provided.

Repeal of Church Building Acts.

XLIV. The Acts enumerated in the Schedule to this Act, so far as the same are recited therein, shall be repealed on and after the *First Day of November One thousand eight hundred and fifty-six.*

Existing Status of Proceedings under the Church Building Acts confirmed.

XLV. Unless or until it shall be otherwise specially directed by this Act, no Matter or Thing in any way relating to any Church or Chapel built under the Authority of the Church Building Acts, or to the Patronage thereof, or to any Spiritual Person serving the same, or to any Officer or Office Bearer within the same, or to any Vaults or Burial Ground, or any Part thereof, belonging to such Church or Chapel, or in any way relating to the Services which shall have been heretofore performed or directed to be performed therein, by the said Church Building Commissioners acting under the Authority of the said Acts, or any other Matter or Thing whatsoever which before this Act came into operation shall have done or performed, or shall have been directed to be done and performed, in pursuance of and conformity to the said Acts or any of them, shall be affected or invalidated by this Act, but every such Matter is hereby confirmed, and shall be construed with reference to and be regulated by the Provisions respectively applicable thereto of the said Acts, so far as the same shall be not inconsistent with the Provisions of this Act, in the same Manner as if the said Acts had not been repealed.

Monies which would have been payable to Church Building Commissioners to be paid to Ecclesiastical Commissioners.

XLVI. All Monies which at the Time of the Repeal of the said Church Building Acts may be in the Hands of or standing to the Credit of or which may be then due and payable to, or which if the said Commission had not ceased would have become due and payable to the said Church Building Commissioners, shall thenceforth be paid over to or become due and payable to the said Ecclesiastical Commissioners, who shall for the Purpose of compelling or recovering Payment thereof have and possess all the Powers and Remedies which belong or would have belonged to the Church Building Commissioners for that Purpose, and the said Ecclesiastical Commissioners shall carry the same, when received, to the Credit of their Common Fund.

The Commissioners to complete and confirm all

XLVII. The said Commissioners shall and they are hereby empowered, in their own Name, to carry out, complete, and confirm all such Matters and Things as shall then be in progress under or by virtue

virtue of any of the said Church Building Acts, or any other Matter or Thing which the Church Building Commissioners shall have undertaken or permitted to be undertaken under or by virtue of any of the Provisions of the said Church Building Acts; and for the due Accomplishment, Completion, or Confirmation of such Matters or Things respectively the said Ecclesiastical Commissioners shall be held to possess all and every the Rights, Powers, Privileges, and Authorities (so far as the same are not repugnant to or inconsistent with the Provisions of this Act), subject to the same Provisoes, Conditions, and Restrictions touching the Matters in question, as belong or would have belonged to the said Church Building Commissioners for a like Purpose in case this Act has not passed, and the said Church Building Acts, and the Commission for carrying the same into effect, were still subsisting and in full Force.

Matters in progress under the Church Building Acts.

XLVIII. In the Construction of this Act, except where the Context or other Provisions of the Act may require a different Construction:

Interpretation of Terms.

The Expression "Church Building Acts" shall mean and include all or any of the Acts recited and designated in the Schedule to this Act:

The Word "Commissioners" shall mean the Ecclesiastical Commissioners for England:

The Expression "Church Building Commissioners" shall mean Her Majesty's Commissioners for Building New Churches:

The Expression "Parish District, or Place," shall mean and include any ancient or distinct and separate Parish, District, Parish, Chapelry, District Chapelry, Consolidated Chapelry, or Extra-parochial Place; and the Word "Extra-parochial Place" shall include any Township, Vill, Village, or Hamlet, being extra-parochial:

The Expression "Ecclesiastical Corporation" shall include every Archbishop, Bishop, Dean and Chapter, or Member of any Cathedral or Collegiate Church in England or Wales, but shall not include any other College or Hospital, or any Parson, Vicar, or Perpetual Curate, or other Incumbent of any Benefice:

The Word "Lands" shall extend to and include Manors, Messuages, Buildings, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure and Description:

The Word "Tithes" shall mean and include all commuted and uncommuted Rentcharges in lieu of Tithes, Portions and Parcels of Tithe, and all Moduses, Compositions, Prescriptive and Customary Payments:

The Expression "Body or Person" shall mean and include any Body Politic, Corporate, or Collegiate, the Trustees, Guardians, Commissioners, or other Persons having the Control, Care, or Manage-

Management of any Hospital, School, or Charitable Foundation, and any Corporation, aggregate or sole, as well as One Person:

The Word "Bishop" shall include Archbishop:

The Word "Vestry" shall mean the Inhabitants in Vestry assembled:

And every Church or Chapel referred to in this Act shall be deemed to be in the Diocese of the Bishop within the Limits of whose Diocese the East End of such Church or Chapel may be situate.

Extent of Act.

XLIX. This Act shall extend only to that Part of the United Kingdom called England and Wales, and to the Isle of Man, and to the Islands of Guernsey, Jersey, Alderney, and Sark, and to the Scilly Islands.

SCHE-

SCHEDULE referred to in this Act.

Church Building Acts.

An Act of the Fifty-eighth Year of King George the Third, Chapter Forty-five, except the Eightieth Section thereof.	58 G 3. c. 45.
An Act of the Fifty-ninth Year of King George the Third, Chapter One hundred and thirty-four.	59 G. 3. c. 134.
An Act of the Third Year of King George the Fourth, Chapter Seventy-two.	3 G. 4. c. 72.
An Act of the Fifth Year of King George the Fourth, Chapter One hundred and three.	5 G. 4. c. 103.
An Act of the Session holden in the Seventh and Eighth Years of King George the Fourth, Chapter Seventy-two.	7 & 8 G. 4. c. 72.
An Act of the Session holden in the First and Second Years of King William the Fourth, Chapter Thirty-eight.	1 & 2 W. 4. c. 38.
An Act of the Session holden in the Second and Third Years of King William the Fourth, Chapter Sixty-one.	2 & 3 W. 4. c. 61.
An Act of the Session holden in the Seventh Year of King William the Fourth and the First Year of Her Majesty, Chapter Seventy-five.	7 W. 4. an 1 Vict. c. 75.
An Act of the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and seven.	1 & 2 Vict. c. 107.
An Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-nine.	2 & 3 Vict. c. 49.
An Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Sixty.	3 & 4 Vict. c. 60.
An Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Fifty-six.	7 & 8 Vict. c. 56.
An Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter Seventy, except so much of the First Section thereof as is hereby retained, and the Twenty-second Section thereof.	8 & 9 Vict. c. 70.
An Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Sixty-eight.	9 & 10 Vict. c. 68.
An Act of the same Session, Chapter Eighty-eight.	9 & 10 Vict. c. 88.
An Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Thirty-seven.	11 & 12 Vict. c. 37.
An Act of the same Session, Chapter Seventy-one.	11 & 12 Vict. c. 71.
An Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-seven, except the Twenty-fifth Section thereof.	14 & 15 Vict. c. 97.

Formation, &c. of Parishes.

A

BILL

To make better Provision for the Formation and Endowment of separate and distinct Parishes.

(Prepared and brought in by The Marquis of Blandford and Viscount Ebrington.)

Ordered, by The House of Commons, *to be Printed,* 14 *May* 1855.

[Bill 123.]

Under 4 *oz.*

Free Schools Bill.

CONTENTS OF BILL.

Words the Senses of which are arbitrarily defined are distinguished by Citation Marks, as "District," "Committee," "Board," "Inspector."

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Evening Schools;
Infant Schools; and
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A

B I L L

TO

Establish Free Schools in England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is desirable to establish Free Schools, and to increase the Efficiency of existing Schools, for the Instruction of the People of England and Wales: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Objects of the Act.

OBJECTS OF THE ACT.

I. In every School "District" formed under this Act there shall be established such and so many Schools of the Four following Descriptions as are necessary and proper for the due Instruction of the People therein, the same to be classed, so far as may be necessary, into Schools for Males and Females; namely, Establishment of District Schools, viz.:

First, Day Schools for the Instruction of Children of the Age of *Six* Years and upwards, and in which the Children shall be instructed in Reading, Writing, Grammar, Arithmetic, Book-keeping, Geography, and History, the various Properties and Uses of the Objects by which they are surrounded, and generally in such Kinds of useful Knowledge, together with Industrial Training, as may be deemed advisable, including, in the Case of a Girls' School, Needlework, and, in addition Day Schools;

to these, shall be inculcated a strict Regard to Truth, Justice, Temperance, Industry, Frugality, and all other Habits conducive to the right ordering of practical Conduct in the Affairs of Life;

Evening Schools;

Second, Evening Schools for the Instruction therein of Persons of the Age of *Ten* Years and upwards, wherein similar Instruction shall be given as in the Schools of the first-mentioned Class;

Infant Schools;

Third, Infant Schools for the Instruction of Children under the Age of *Six* Years;

Industrial Schools.

Fourth, Industrial Schools, in which Instruction shall be given to such young poor Persons as may appear to have no Means of Subsistence except by Begging or Crime, in the before-mentioned Branches of moral and intellectual Culture, and in Industrial Occupations, and in which Food and Shelter shall be supplied to the Pupils.

Doctrinal Religion not to be taught,

II. Distinctive doctrinal Religion shall not be taught in any of the said Schools:

but Time to be allowed for obtaining religious Instruction.

But in order to afford to the Pupils the Opportunity of voluntarily attending the Instructions of Teachers of Religion, the "Committee" of each "District" shall set apart certain Hours in every Week, not exceeding *One Fourth* of the Time devoted to general Instruction, during which Hours the Schools shall be closed for the Purposes of this Act:

And in case any Ratepayer of the "District," or the Parent, Guardian, or next Friend of any Pupil, have Reason to believe that distinctive doctrinal Religion has been taught in any such School, he may make his Complaint to the "Committee," who shall forthwith inquire into the same, and make such Order as they think fit:

And in case such Complainant be dissatisfied with the Order or Decision of the "Committee," he may appeal to the "Board," who shall see that the Provisions of this Act are not infringed, and, if necessary, shall make Order accordingly; and thereupon it shall be the Duty of every Person on whom such Order is made to obey the same.

Admission to Schools of Classes 1, 2, and 3;

Exceptions.

III. Every Person of the Age and Class for which any School of the First, Second, or Third Class is provided, shall have the Right of free Admission to any such School established in the "District" in which he or she resides or is found; except such Persons as do not possess the Faculty of Hearing or Speech, or Sight, or are of unsound Mind, or are labouring under a contagious or infectious Disorder, or have been convicted of Crime, or expelled by the "Committee" for Misconduct from any School in the "District:"

Admission to Industrial Schools.

But before any Person be admitted to an Industrial School, an Order for such Admission shall first be obtained from some Justice of the

the Peace of the County or City or Town in which the Person to be admitted may reside or is found.

LOCAL EXECUTION OF THE ACT.

Local Execution of the Act.

IV. In order to create convenient "Districts" for the Purpose of executing this Act, the "Board," or the "Inspectors" under the Direction of the "Board," shall visit such Places in England and Wales as they think fit, and shall inquire and ascertain, as well with reference to Amount of Population as to other material Circumstances, what "Districts" should be formed, and how the same should be composed:

Formation of School Districts.

And the "Board" shall from Time to Time, as soon as they have obtained sufficient Information to enable them to constitute any School "District," proceed to constitute the same accordingly, by an Order sealed with their Common Seal:

Any such "District" may be composed of a Parish, Township, or Extra-parochial Place maintaining its own Poor, or of a Poor-Law Union, or of a City, Borough, or any other District or Division consisting of more than One entire Parish or Place maintaining its own Poor, or of any Combination of such Parishes, Townships, Places, Unions, Cities, Boroughs, Districts, or Divisions, as the Board think fit:

And the "Board" shall give a Name to each such "District" by the Order forming the same;

And the "Board" shall forthwith advertise in the "London Gazette" the Formation of each "District," and the Name thereof, and thereupon such "District" shall become a School "District" for the Purposes of this Act:

"District" defined.

And in the Construction of this Act the Word "District" shall be held to signify a School "District" so formed by Order of the Board.

Ratepayers may postpone the Operation of the Act.

V. Nevertheless, if within *Three* Months after such Advertisement in the "London Gazette" a Majority of the Persons paying Rates for the Relief of the Poor in such "District" memorialize the "Board," and signify their Desire that this Act may not take effect in such "District," this Act shall not take effect in such "District" for the Space of *Two* Years after such Memorial; and if at any Time within such *Two* Years a Majority of such Ratepayers memorialize the "Board" in like Manner the Act shall not take effect for the Space of *Two* Years after such Second Memorial, and so on from Time to Time if any subsequent Memorial be presented within the Space of any succeeding *Two* Years this Act shall not take effect in such "District" for the space of *Two* Years after each Memorial.

VI. The "Board" shall, by an Order sealed with their Common Seal, declare the Number of Persons of whom the "School Committee" of the "District" shall be composed, and the Manner of their Election:

Ratepayers to elect School Committee.

And immediately after this Act takes effect in any "District" the "School Committee" shall be elected by the Persons assessed to the Rates made for the Relief of the Poor within the "District":

The Nomination of the Members of such "Committee," and the Votes of such Ratepayers, shall be given or taken in Writing, collected and returned, in the Manner directed by the said "Board:"

First Election.

The "Board" shall, by an Order sealed with their Common Seal, declare the Person who shall act as a Returning Officer at the First Election of such "Committee," such Person being one of the Overseers of any Parish, Township, or Place, or the Clerk of the Board of Guardians of any Union, or the Town Clerk of any City or Borough comprised within the "District;" and the Person so declared to be the Returning Officer shall act as such, and conduct the First Election of the Members of the "Committee" under the Order of the "Board:"

And at every subsequent Election of Members of the "Committee" the Secretary to the "Committee" shall act as Returning Officer:

Overseers, Assistant Overseers, and Collectors to attend the Returning Officer.

The Overseers, Assistant Overseers, and Collectors of Poor Rates within the "District," upon Notice in Writing from such Returning Officer, shall attend at any Time during any such Election under this Act, and give all such Information as they possess to the said Returning Officer in reference to the Persons nominated as Members of the said "Committee," and of the Persons claiming to be entitled to vote in such Election.

Term of Office of Members of Committee.

VII. The Members of the "Committee" first elected shall constitute the "Committee" until the *First Monday* in the Month of *October* then next ensuing, or if such *First Monday* in the Month of *October* be within *Six* Months after such Election, then the Committee shall retain Office until the *First Monday* in the Month of *October* of the Year following the Election, and in either Case shall retain Office until the Election of new Members of the "Committee:"

Half to retire annually.

And upon the *First Monday* in the Month of *October* in the Year of the Election, or the Year following the Election, as the Case may be, *One Half* in Number of the "Committee" (being those who have been elected by the smallest Number of Votes) shall go out of Office, and the Remainder of such "Committee" shall continue in Office until the *First Monday* in the Month of *October* then next, or until the then next Election of new Members of the "Committee," when they also shall go out of Office:

And the Election of Members of the "Committee" to replace those who go out of Office shall in every Year be conducted in the Manner herein-before provided on the *First Monday* in the Month of *October*:

And every Member of the "Committee," after the First Election, shall be elected for the Period of *Two* Years, and every retiring Member shall be eligible for Re-election.

VIII. If

VIII. If at the Time of the Annual Election there be no due Election in respect of all the Members of the "Committee," the Members elected for the previous Year shall serve for the ensuing Year: On Default in an Election, Members previously elected to serve.

And if at any Time the Number of the "Committee" be reduced *One Fourth* by Death, Resignation, or otherwise, then an Election of a sufficient Number of Persons to fill the Vacancies shall take place after the Manner aforesaid, and the Persons so elected shall serve on the "Committee" for the remainder of the Term of Office of the Members whose Places were so vacated. Filling up Vacancies.

IX. The "Committee" shall pay to the Returning Officer a reasonable Sum, not exceeding *Five Pounds*, for his Services in conducting the Election, and shall also pay the reasonable Expenses incurred by him in and about such Election. Costs of the Election.

X. No Default in the Election of any Member or Members of the "Committee," nor any Vacancy in the "Committee," shall prevent the Members of the "Committee" from acting as such "Committee" until the next Annual Election, or until the Vacancy is supplied. Default of Election not to affect the acting of the Committee.

XI. Every such "Committee" shall be a Body Corporate, by and under the Name, "The School Committee for the District" for which they are elected, and shall have and use a Common Seal: Committee to be a Corporation for certain Purposes.

And notwithstanding the Statutes of Mortmain, or any other Statutes or Rules of Law, they may acquire, take, and hold Real or other Property, or any Interest therein, and may, if necessary, agree to pay a Chief or Ground or other Rent for the same, for the Purpose of providing Sites for School Buildings and Premises, and Residences of Masters and Teachers, and of enabling them to carry into execution the Purposes of this Act:

And all Conveyances, Assignments, or Leases to such "Committee" of any such Property, or any Rights therein, and all Deeds executed to such "Committee" with relation thereto, shall be exempt from the Provisions of the Statutes against Mortmain, and the Statutes relating to Charitable Uses, and shall be exempt from Stamp Duties now or hereafter to be imposed:

And the "Committee" shall, by and under their Corporate Name, have Power to bring Actions, prefer Indictments, and otherwise sue and defend, for or in relation to such Property, or any Instrument or Security or Contract concerning the same.

XII. And in the Construction of this Act the Words "Committee" or "School Committee" shall be held to signify the School Committee for a School District elected and constituted as aforesaid. "Committee" defined.

Chairman and Vice Chairman.

XIII. The "Committee" shall appoint some One of their Members to be the Chairman of the "Committee" during the Term of Office of such Member, and also, if they think fit, a Member of the "Committee" to be Vice Chairman; and in the Absence of such Chairman and Vice Chairman at any Meeting of the "Committee" the Members present may appoint any One of their Number to be Chairman of such Meeting.

Duties and Powers of Committee.

XIV. The "Committee" shall have Power and it shall be their Duty from Time to Time to establish within their "District" such and so many Schools as in their Opinion are necessary and proper for the due Instruction of the People within the "District," and to class such Schools, so far as may be necessary, into Schools for Males and Females, according to the Provisions of this Act:

They shall purchase, acquire, or erect such School Buildings and Residences for Masters and Teachers, and shall maintain, enlarge, add to, or repair such Schools and Residences, and the Buildings and Appurtenances belonging to the same, and shall fit up and furnish such Schools, and renew such Fittings and Furniture, as may be necessary from Time to Time for carrying into execution the Purposes of this Act:

They may pay the Purchase Money of any Site or Sites, or any such Schools or Buildings, or of any Buildings to be used as such Schools or Residences, and the Cost of the fitting up and furnishing of any such Schools, out of the School Rate of any One Year; or they may, if they see fit, borrow the Sums required for the Purchase of any such Site or Building by a Loan or Annuity of the School Rates of the "District," to be repaid by annual Instalments within any Period not exceeding *Twenty* Years:

They shall have the Management, Direction, and Superintendence of such Schools:

They may lay down Rules (not inconsistent with the Provisions of this Act) for the Management of the Schools, and as to the general Course of Instruction to be adopted in any School, and as to the Books and Publications to be used therein; and no Book or Publication shall be used in any School by any Master, Mistress, or Teacher except with their express previous Approval:

They may expel from any School any Child or Person guilty of Misconduct or Subordination:

They may in any Case in which they see special Cause for so doing admit a Person to any of the Schools, although such Person have been convicted of Crime, or expelled from the same or any other School:

Committee may let Schoolrooms during Hours when not used.

The "Committee" may let, for any Purpose, and at such Rent or Remuneration as they can obtain, the Use of any School Buildings or Rooms during the Hours when the same are not wanted for the Purposes of this Act, and the Rent obtained thereby shall be applied by the "Committee" in aid of the School Rate; but nothing herein contained

tained shall enable the "Committee" to abridge any Right reserved by any Trustees or Managers as herein-after provided, to the exclusive Right of the Buildings during certain Times:

They shall make all Payments and Disbursements required for putting this Act into execution within their "District" and no such Payment shall be made by the Treasurer, except upon the written Order of Two or more Members of the "Committee."

Appointment of Teachers and other Officers.

XV. The "Committee" shall have Power to appoint and dismiss Masters, Mistresses, and Teachers for the Schools in the "District," and to fix their Salaries, at a certain Sum for each Pupil, but so that no Salary shall in any Case be less than Pounds per Annum:

Visitors.

The "Committee" may employ Visitors, for the Purpose of communicating with the Parents or other Persons having the Control of Children not receiving Instruction, and of inducing them to send such Children to an appropriate School in the "District;" and, if necessary, the "Committee" may remunerate such Visitor for their Services:

Secretary; Treasurer.

Immediately after any First Election of a "Committee," and whenever a Vacancy occurs, the "Committee" shall appoint a Secretary to the "Committee," and a Treasurer for the "District:"

But the Offices of Secretary and Treasurer may, subject to any Order of the "Board," be filled by One Person or by Two Persons:

And they may pay such reasonable Salaries to such Secretary and Treasurer as they think proper:

And they shall take Security, in such Form and Manner as they think sufficient, for the proper Disposal of and due accounting for all Monies and Effects which come to the Hands of the Treasurer by virtue of his Office; and they may remove any such Officer when they see fit, and appoint another in his Place.

Conversion of existing Schools into Free Schools under this Act.

XVI. If the Trustees or Managers of any School within the "District" request the "Committee" to convert such School into a Free School under this Act, and if the "Board" upon the Report of any of their "Inspectors" report to the "Committee" that the same is in a satisfactory Condition, and may be properly converted into a School or Schools of One or more of the before-mentioned Four Classes of Schools, in such Case, but not otherwise, the "Committee" shall constitute the same such a Free School or Schools, and shall declare of what Class or Classes the same shall be:

And thereupon there shall be such Right of free Admission to the same as is herein-before provided with regard to Schools originally established under this Act:

But unless the Managers or Trustees of such School assent to surrender the Management of the same to the "Committee," the School or Schools so converted shall continue under the Management of the said Trustees or Managers, subject to the same Inspectorship as is hereinafter provided with regard to Schools originally established under this Act:

And during the Management of such Managers or Trustees the "Committee" may, out of the School Rate, pay to them such Sum as is necessary for the Expenses thereof, over and above the Receipts from other Sources by such Managers or Trustees on account thereof, such Sum not exceeding the Rate of *pence* per Week for each Pupil receiving general Instruction:

Notwithstanding such Conversion and Payment the "Committee" shall not acquire any Right to interfere with the internal Management, Discipline, or Instruction in such Schools (unless so surrendered), except in relation to the Conditions herein contained:

After such Conversion the Inculcation of distinctive doctrinal Religion shall not take place in any such School at any Time on any Week Day between the Hours of *Nine* and *Eleven* in the Morning and *Two* and *Four* in the Afternoon; and no Manager, Trustee, or other Person shall be deemed to have committed a Breach of Trust, or be in any way liable to any Suit or Proceeding, by reason of the Omission to inculcate on the Pupils, during the Hours aforesaid, distinctive doctrinal Religion or sectarian Opinions:

No Pupil who receives general Instruction at such School shall be compelled to attend the School at other Times than those above mentioned:

No Part of the Payment to be made to the Managers or Trustees of such School shall be in any way applied for the Purpose of inculcating doctrinal Religion or sectarian Opinions:

On Breach of Provisions under this Act.

If at any Time such School be found to be so conducted as not to be fit to continue as a Free School as aforesaid, or if any of the Provisions herein-before contained with regard to the Nature of the Instruction to be given be not observed, it shall be the Duty of the "Inspector" visiting the School to report the Facts to the "Committee," who shall forthwith inquire into the Matter of the Report, and in the event of their finding the Report to be well founded, shall, by their Order, declare such School to be no longer a Free School under this Act, and thereupon the same shall cease to be such Free School, and the Payment herein-before directed shall thenceforth cease:

But any Party may appeal to the "Board" from the Decision of the "Committee," and the "Board" may thereupon confirm, alter, or reverse such Decision; and the Decision of the "Board" shall be binding on all Parties:

When

When any such School is so declared a Free School under this Act, the Trustees, Managers, or the Teachers thereof shall keep a Register showing the Attendance of each Pupil, and a Copy of such Register shall be transmitted to the "Committee" at such Periods as they from Time to Time appoint: Register of Pupils to be kept.

And if the Secretary or other Officer appointed by the said "Committee" produce an Authority for his Admission, in Writing, signed by their Chairman or Vice-Chairman, he shall be admitted into the said School at all reasonable Times to ascertain the Correctness of the said Register: Inspection of the Register.

And a Certificate in Writing, signed by the Teacher, or, if there be more than One, by the principal Teacher of said School, and countersigned by an "Inspector" who has inspected the said School, shall be sent by the Trustees or Managers, or by the Teacher under their Direction, to the said "Committee," *once every Year*, at such Time as the "Committee" appoint, certifying that the Provisions of this Act have been duly complied with:

At the End of every Quarter of the Year ending on the Twenty-fifth Day of March, Twenty-fourth Day of June, Twenty-ninth Day of September, and the Twenty-fifth Day of December, the *major Part* of the Trustees or Managers of such School shall make out a List of the Pupils entered in the Registers kept in their School, and shall set out the Number of Days during the Quarter last completed in which each such Pupil attended the said School during the Hours aforesaid, distinguishing between Boys and Girls, and shall forward such List to the "Committee," accompanied by a Certificate of the due Observance of the Provisions of this Act: List of Scholars to be made out by the Trustees or Managers quarterly, and transmitted to Committee with Certificate.

The "Committee," upon Receipt of such List, accompanied by such Certificate as last aforesaid, shall cause the same to be accurately investigated; and forthwith, if the same be found to be correct, or, if incorrect, then after any Error or Errors have been corrected, shall cause Payment to be made to the Managers or Trustees of the said School, according to the Rate aforesaid, but no Attendance of less than *Four* Days in the Week during the Hours aforesaid shall be allowed as a Week's Attendance. The School Committee to pay the Fees according to the List.

XVII. Where any School now or hereafter exists under the Management of Managers or Trustees, if the "Board" certify that the said School may be taken by the said "Committee" and converted into a Free School, and that the Course of Instruction followed in such School may be replaced by the Course of Instruction provided by this Act without Disadvantage to the Persons for whose Benefit such School was established, the "Committee" may, by Agreement with the Managers or Trustees of such School, purchase, for a valuable Consideration, or otherwise acquire from such Managers or Trustees, the Fee Simple or any other Interest of and in any Lands, Buildings, Purchase of existing Schools. Conversion into Free Schools.

and Hereditaments theretofore used for the Purposes of such School; and such Lands, Buildings, or Hereditaments, when conveyed to the "Committee," shall vest in them and their Successors for the Purposes of this Act, and shall be used for the Purposes of One or some of the Schools to be established under this Act:

And such Managers or Trustees, or the Persons conveying such Premises to the "Committee," shall not, nor shall the "Committee," or any Person, by reason of such Conveyance of the Premises, or by reason of the same being thereafter used for a School or Schools established under this Act, or by reason of the Disregard of any Course of Instruction theretofore required to be followed or actually followed in such School, or on the said Premises, be liable for or be deemed to have committed a Breach of Trust:

But such Managers or Trustees shall have the Power to reserve to themselves the sole Right, during any Sunday, and during the Hours when the School or Schools established on the said Premises under this Act are closed, for the Purpose of allowing Pupils to attend Religious Instruction, to use the Premises and Buildings for the Purpose of a Sunday School, or otherwise for the Purpose of affording Religious Instruction in accordance with any Trust or Usage theretofore existing.

School Rates may be levied.

XVIII. In order to raise the Funds required by the "Committee" for carrying into execution this Act, it shall be lawful for the "Committee" to make in every Year One or more School Rates upon all Persons liable to be rated to the Relief of the Poor within the "District":

For the Purpose of making such Rate the "Committee" shall from Time to Time make an Estimate of the Sums which they will require for carrying this Act into execution. If the "District" contain more than One Parish or Place or Part of a Parish or Place raising separate Rates for the Relief of the Poor, the "Committee" shall divide the whole of the Sum that they require among such Parishes and Places or Parts of Parishes and Places according to the Proportion of the total rateable Value of the Property for the Time being rated to the Relief of the Poor in each of such Parishes or Places or Parts of Parishes or Places respectively:

And where any such Parish or Place or Part of a Parish or Place is situated within a County, Riding, or Division in which County Rates are raised, the "Committee" shall, so far as may be, adopt the Basis or Standard of the County Rate in force for the Time being as the Standard of the rateable Value of the Property in such Parish or Place or Part of a Parish or Place:

The "Committee" shall enter on their Minutes such Estimate, and, if any, such proportionate Division of the Sums required by them, and may thereupon, by Warrant or Warrants under their Common Seal, counter-

countersigned by their Secretary, authorize and require the Overseers or other Persons authorized to make and levy Rates for the Relief of the Poor within every Parish or Place or Part of a Parish or Place within the "District" to levy and collect the same:

And thereupon such Overseers or other Persons shall do all things necessary for levying and collecting the same, either as a separate Rate or as a Part of any Rate or Rates made for the Relief of the Poor, and shall have the same Powers, Privileges, and Protections as belong to them in levying and collecting such Rates, and recovering the Costs of the Proceedings therein:

And when such Rate is collected such Overseers or other Persons shall pay the same over to the Treasurer of the "District":

And for the Purpose of enabling the "Committee" to make the Rate, all Overseers of the Poor and other Persons having the Custody of the Books relating to Rates made for the Relief of the Poor within the "District" shall allow the "Committee," or any Person appointed by them, to inspect or take Copies of any such Book or Books or to make any Extracts therefrom.

Appeal against Rate.

XIX. If any Person assessed to any School Rate think himself aggrieved thereby, either on account of any Parish or Place or Part of a Parish or Place being rated on a Sum beyond the full and fair annual Value of the Property therein or on account of some other Parish or Place or Part of a Parish or Place being rated on a Sum less than the full and fair annual Value of the Property therein, such Person may appeal to the Justices of the Peace at the next Quarter Sessions to be holden having Jurisdiction in such Parish or Place or Part of a Parish or Place:

And the "Committee" may defend the Rate:

And shall be indemnified against all Costs and Expenses which they reasonably incur in defending any Appeal or supporting such Rate, or in prosecuting or defending any Suit or Proceeding relating to the same, out of the same or any subsequent Rate or Rates.

Committee to publish yearly Accounts.

XX. The "Committee" shall in the Month of in every Year publish, in a cheap Form, for gratuitous Distribution among the Ratepayers of the "District," an Account of all Monies received and expended and of all Liabilities incurred by them during the Year then past, and transmit Copies of the same to the "Board."

Yearly Reports to Board from Committees and Managers of Schools.

XXI. The "Committee" shall in the Month of in every Year furnish to the "Board" a Report, in Writing, for the Year then past, of the several Schools under their Management, which Reports showing the Place at which each such School is held, the Times of holding the same, the Number of Pupils and of Masters and Teachers

Teachers at each School, and the Nature of the Instruction given there; and shall at all Times furnish to the "Board," all such Information as may be required from them; and the Managers or Trustees of every School, being a free School under the Provisions of this Act, shall transmit to the "Board" a similar yearly Report as to such School so far as relates to the Instruction given under this Act.

Election of Honorary Examiners.

XXII. The "Committee" of the "Districts" in each County shall, on the *First Day of January* in each Year, elect by the Votes of the Members of such "Committee," Two fit Persons as Honorary Examiners for such County, for the Year ensuing:

And the "Board" shall, by an Order under their Common Seal, direct the Mode in which such Election shall be conducted and the Votes given and collected:

And the first of such Elections shall be conducted by a Member of the "Board," or by some Person appointed by the "Board;" and the subsequent Elections shall be conducted by the Examiners:

And the Examiners shall be eligible for Re-election:

Examination of Candidates.

The Honorary Examiners, together with Two of the "Inspectors," under the Direction of the "Board," shall examine Candidates for the Office of Master, Mistress, or Teacher of Free Schools, under the Provisions of this Act, and for that Purpose shall hold Sittings in and for each County, at such Places and Times and in such Manner as the "Board" direct, of which Sittings at least *One Month*'s previous Notice shall be given, by Advertisement in the "London Gazette," and in Two London Daily Newspapers, and in Two of the principal Newspapers circulating in such County:

The Examiners shall examine according to the Rules prescribed by the "Board" every Candidate offering himself or herself for Examination, although he or she have not been educated in any Normal School, nor have been apprenticed as herein-after mentioned, and they shall grant or refuse a Certificate according to their Opinion of the Fitness or Unfitness of the Candidate for communicating Instruction under this Act:

The several "Committees" shall observe the Regulations to be laid down by the "Board" as to the choosing of Masters or Mistresses or Teachers from the List of Persons who have received such Certificates, or as to the Priority to be given to such Persons over others who have not received such Certificates.

Training Schools to be established.

XXIII. The "Board" may, with the Consent of the Lord High Treasurer or of Commissioners of Her Majesty's Treasury previously obtained, establish and support so many Normal Schools in England and Wales, not exceeding in the whole the Number of , as they think proper, for the Purpose of training Masters, Mistresses, and

and Teachers; and may also apprentice to any Master, Mistress, or Teacher, under this Act, any Pupil Teacher as they think proper, not exceeding One to Scholars; and may also, with such Consent as aforesaid, establish and support so many Schools in England and Wales, not exceeding in the whole the Number of , as they think proper, for the Deaf, the Dumb, the Blind, and the Infirm of Mind, and shall engage the Masters and Teachers necessary for conducting such Normal and other Schools, and they shall make Regulations for the Course of Instruction therein, but no dissinctive doctrinal Religion or sectarian Opinions shall be taught in such Normal or other Schools:

Committees may send District Scholars to Normal Schools or apprentice them.

And every "Committee" shall have the Power to afford pecuniary Assistance to meritorious Persons, who have been educated in the Schools of the "District," to become Scholars in the Normal Schools, or Apprentices as Pupil Teachers to any Master, Mistress, or Teacher employed under this Act; and the "Board" shall admit to some Normal School, or Apprentice, every such Person, on the Presentation of any "Committee," in the Order of Application as Vacancies occur.

General Administration and Superintendence.

General Administration and Superintendence

Board of Instruction to be appointed.

XXIV. And for the Purpose of putting this Act into operation, and of directing and superintending the Execution of the same, it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time by Warrant under the Royal Sign Manual, to appoint a Person to be, during Her Majesty's Pleasure, President of the Board of Public Instruction under this Act:

And such President and Her Majesty's Principal Secretary of State for the Time being shall constitute and be the Board of Public Instruction; and during any Vacancy in the said "Board" the continuing Members thereof may act as if no Vacancy had occurred:

Such President shall be capable of being elected to serve and of sitting in Parliament:

Style, Powers, and Duties of Board.

The said "Board" shall be styled "The Board of Public Instruction for England and Wales:"

Such Board shall, besides superintending the Execution of this Act, from Time to Time obtain as much new Information as may be concerning the Nature and Amount of Instruction of the People in this Country, and in other Countries, and shall, *once* in every Year at least, make a general Report of their Proceedings and of the Expenses incurred by them, and of the Expenses incurred by the several "School Committees" in the Execution of this Act, and of the Information obtained by them since their last Report; and such Report shall be laid before both Houses of Parliament forthwith, or (if then sitting) forthwith after the next assembling thereof:

All Powers and Duties by this Act vested in the Board of Public Instruction instituted and under this Act, or which may be hereafter vested in such "Board," may be exercised and performed by the President for the Time being of such "Board," alone or by any Two or more Members thereof:

The said "Board" shall have and use a Common Seal, and all Documents or Copies of Documents purporting to proceed from such "Board," and to be signed by the President or any Two or more of the Members of such "Board," and to be sealed or stamped with the Seal of the Board of Public Instruction, shall be received as primâ facie Evidence in all Courts or Places whatsoever:

Board to have a Common Seal and appoint Officers.

The "Board" may from Time to Time appoint a Secretary and such Clerks and Messengers as may be necessary to enable the "Board" to perform the Duties imposed on them, and from Time to Time, at their Discretion, may remove any of such Officers, and appoint others in their Stead; but the Consent of the Lord High Treasurer or of the Commissioners of Her Majesty's Treasury shall be previously obtained to the First Appointment of such Officers, and to any future Increase in their Numbers.

Inspectors to be appointed.

XXV. The "Board" shall, from Time to Time, with such Consent as aforesaid, appoint so many fit Persons (not exceeding in Number) at Salaries not exceeding the Sum of Pounds for each Person to be "Inspectors" of the Schools established under this Act, or declared to be Free Schools under this Act. Such "Inspectors" shall visit such Parts of England and Wales, and at such Times as the "Board" direct, and they shall inspect and examine into the State of the various Schools, and into the Numbers and Proficiency of the Pupils, and the Observance of the Provisions of this Act and of the Rules and Regulations to be laid down by the "Board," and the State of the Buildings, and Fitness of the Accommodation for the Pupils, Masters, Mistresses, and Teachers, and generally into all Matters connected with the proper carrying into execution of this Act, and they shall from Time to Time report thereon, in Writing, to the "Board."

"Board" defined.

XXVI. And in the Construction of this Act the Word "Board" shall be held to signify such "Board of Public Instruction for England and Wales:"

"Inspector" defined.

And the Word "Inspector" shall signify an Inspector of Schools appointed by such "Board."

Salaries of Board, &c.

XXVII. The Salaries of the "Board," and of the Officers to be appointed by them, shall be from Time to Time regulated by the Lord High Treasurer, or the Commissioners of the Treasury; but the Salary of

of the President of the "Board" shall not exceed the Sum of Pounds a Year, nor the Salary of the Secretary the Sum of Pounds a Year, and the Salaries of other Officers shall be in fit Proportion:

And the Lord High Treasurer or such Commissioners of the Treasury may allow to any Member of the Board, Secretary, or other Officer any reasonable travelling or other Expenses incurred by him in Performance of his Duties; and such Salaries and Expenses, and the Salaries of the "Inspectors," and all travelling and other Expenses duly incurred by them, or by the Honorary Examiners, in the Execution of their Duties, and the Expenses of establishing and supporting the Normal Schools, and of apprenticing Pupil Teachers, and all other incidental Expenses of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord Treasurer or the Commissioners of the Treasury out of such Funds as Parliament may provide for the Purpose.

Free Schools.

A

BILL

To establish Free Schools in England and Wales.

(*Prepared and brought in by Mr. Milner Gibson, Mr. Cobden, and Mr. Headlam.*)

Ordered, by The House of Commons, *to be Printed*, 29 *March* 1855.

[Bill 70.]

Under 2 oz.

Friendly Societies Bill.

ARRANGEMENT OF CLAUSES.

SECT.
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II. Societies under former Acts to continue.
III. Their Rules to continue in force.
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SCHEDULE.

A

B I L L

TO

Consolidate and amend the Law relating to Friendly Societies.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it would conduce to the Improvement of the Law relating to Friendly Societies if the several Statutes relating thereto were consolidated, and certain Additions and Alterations were made therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble.

I. That from and after the *Day on which this Act shall commence and take effect* the following Statutes, that is to say, the Thirty-third of George the Third, Chapter Fifty-four, the Thirty-fifth of George the Third, Chapter One hundred and eleven, the Forty-third of George the Third, Chapter One hundred and eleven, the Forty-ninth of George the Third, Chapter Fifty-eight, the Forty-ninth of George the Third, Chapter One hundred and twenty-five, the Fifty-ninth Repeal of former Acts, 33 G. 3. c. 54. 35 G. 3. c. 111. 43 G. 3. c. 111. 49 G. 3. c. 58. 49 G. 3. c. 125. 59 G. 3. c. 128. 6 G. 4. c. 74. 10 G. 4. c. 56.

2 W. 4. c. 37. 4 & 5 W. 4. c. 40. 3 & 4 Vict. c. 73. 9 & 10 Vict. c. 27. 13 & 14 Vict. c. 115.

of George the Third, Chapter One hundred and twenty-eight, the Sixth of George the Fourth, Chapter Seventy-four, the Tenth of George the Fourth, Chapter Fifty-sixth, the Second of William the Fourth, Chapter Thirty-seven, the Fourth and Fifth of William the Fourth, Chapter Forty, the Third and Fourth of Her present Majesty, Chapter Seventy-three, the Ninth and Tenth of Her present Majesty, Chapter Twenty-seven, the Thirteenth and Fourteenth of Her present Majesty, Chapter One hundred and fifteen, and all and every other Acts or Act or Parts of Acts which are inconsistent with the Provisions of this Act shall be and the same are hereby repealed, save and except so much of the said several Acts as repeal any other Act or Parts of Acts, and also except as to any Proceeding now pending to which the same or any of them are applicable, or any Penalty heretofore incurred under the same.

Societies under former Acts to continue.

II. Provided nevertheless, That, notwithstanding the Repeal of the said several Statutes, every Friendly Society now subsisting, which heretofore had been formed and established under the said Acts or any of them, shall still be deemed to be and shall continue to be a subsisting Society, as fully as if this Act had not been made, unless and until such Society shall be dissolved, or united with some other Society as herein-after mentioned.

Their Rules to continue in force.

III. Provided also, That the Rules of every such subsisting Society hitherto formed and established, which have been hitherto confirmed, registered, or certified under the said Acts or any of them, shall be deemed valid and in force until the same shall be altered or rescinded as herein-after mentioned; and all Transcripts of any of such Rules which are now filed with the Rolls of the Sessions of the Peace of any County, Riding, or Division, shall be taken off the File, and shall be transmitted to the Registrar under this Act, to be by him kept in such Manner as shall be directed from Time to Time by One of Her Majesty's Secretaries of State in that Behalf.

All their Contracts, and all Bonds, &c. to them, to continue in force.

IV. Provided also, That all Contracts and Engagements by or with any of the said Societies now valid and in force, and all Bonds and Securities heretofore given by any Trustee, Treasurer, or other Officer of any such Society, shall continue and be valid and in force notwithstanding the Repeal of the said Acts.

Their Exemptions and Privileges under this Act.

V. All such subsisting Societies, whose Rules have heretofore been confirmed, registered, or certified under the said Acts or any of them, shall, so long as they shall not hereafter assure to

to any Member thereof, or other Person, any Sum exceeding *Two hundred Pounds*, or any Annuity exceeding *Fifty Pounds* per Annum, enjoy all the Exemptions and Privileges by this Act conferred on Societies to be established under the Provisions of this Act, as fully as if they had been registered and certified under this Act as herein-after mentioned.

Commissioners.

As to the Appointment of Commissioners, be it enacted,

Three to be appointed.

VI. For the Purposes of this Act, it shall be lawful for Her Majesty and Her Successors, by Warrant under the Royal Sign Manual, to appoint *Three* or more fit Persons to be Commissioners to carry this Act into execution in England, and the Isles of Guernsey, Jersey, and Man, and also from Time to Time at Pleasure to remove any of the said Commissioners for the Time being, and upon every and any Vacancy in the said Number of Commissioners, either by Removal or by Death, or otherwise, to appoint some other fit Person to the said Office; and which said Commissioners shall not receive any Fee or Salary for the Performance of any Duties of their said Office.

To sit as a Board.

VII. The said Commissioners shall be styled "The Commissioners for Friendly Societies," and shall sit from Time to Time as a Board for carrying the Purposes of this Act into execution, and any Two Members of the Board may exercise all or any of the Powers conferred on the Board by this Act, and the Expenses of the said Board shall be considered as Part of the Expenses of the Office of the Registrar of Friendly Societies in England.

Powers of Board.

VIII. The said Board shall receive and consider any Application, which may be made to them from Time to Time by any Trustee or other Person, for their Opinion or Advice respecting the Formation, Management, or Condition of any Friendly Society, or respecting the winding-up of the Affairs of any Society, or respecting the Adoption of Tables of Contributions and Benefits, and, if they shall so think fit, may, upon such Application, give such Opinion or Advice as they may think expedient, in Writing, under the Hands of Two or more of their Body; and every Trustee or Member of any Society who shall act upon or in accordance with such Advice or Opinion shall be deemed and taken, so far as respects his own Responsibility, to have acted in conformity with this Act; and no Judicial Order or Direction subsequently made or given by any Court or Judge shall interfere with or impair the Indemnity hereby given to such Trustees or Persons; and the said Board may authorize the Formation and Regulation of

any future or existing Society for any Purpose or Purposes other than the Purposes herein-before mentioned, or any of them, provided the same shall be allowed by One of Her Majesty's Principal Secretaries of State as a Purpose or as Purposes to which the Powers and Facilities of this Act ought to be extended; and the said Board may also authorize and require the Registrar to give a Certificate, in the Form set forth in the Schedule to this Act, of the Rules, or new Rules, or Alteration of Rules, of any Society established or to be established for any of the Purposes herein-before mentioned the Rules, or new Rules, or Alterations of Rules of which the Registrar shall have refused or declined to certify, and although such Rules, or new Rules, or Alterations of Rules shall not be in strict Conformity with the Provisions of this Act or any other Act; provided, in the opinion of the said Board, such Society shall be a Society to which the Powers and Facilities of this Act ought to be extended, and provided satisfactory Reaons shall be shown to the said Board for such Rules not strictly conforming to the Provisions of this Act; and the said Board may, for such Cause as to them may seem sufficient, dispense with the making of any of the Returns herein required, from Time to Time, by any Society, and which Society is for the Time being entitled to and in Enjoyment of the Powers and Facilities of this Act; and such Dispensation shall and may be for such Period as to the said Board shall seem fit.

Registrars.

As to the Registrars, be it enacted,

Registrars, how and by whom appointed.

IX. For the Purposes of this Act there shall be appointed *Three* Registrars of Friendly Societies, One for England, One for Scotland, and One for Ireland, who shall hold their respective Offices during the Pleasure of the Commissioners for the Reduction of the National Debt; and upon the Death, Resignation, or Removal of any One of them, the said Commissioners shall appoint another, being a Barrister in England or Ireland, and in Scotland an Advocate, of not less than *Seven* Years Standing, to the said Office.

Their Salaries.

X. As to the present Registrar for England, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay him a Salary equal to that which has been paid to him yearly in each of the Three last Years, not exceeding *One thousand Pounds* per Annum, and to pay to any Registrar hereafter to be appointed for England a Salary not exceeding *Eight hundred Pounds* a Year, and to pay to the Registrars for Scotland and Ireland respectively a Salary not exceeding the average yearly Amount of Fees received by them respectively in any *Three* preceding Years, every such Salary to be paid by Four equal quarterly Payments; and any of the said Registrars

trars who shall be appointed, or who shall die, resign, or be removed from his Office, in the Interval between Two quarterly Days of Payment, shall be entitled to a proportionate Part of his Salary, and such Salaries and proportionate Parts of Salaries shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Their Expenses of Office, &c.

XI. The said Commissioners of Her Majesty's Treasury shall out of such Monies as may be provided by Parliament for the Purpose pay to the said Registrars respectively such Sum as will defray the Expenses allowed by the said Commissioners from Time to Time for Office Rent, Salaries of Clerks, Stationery, Computation of Tables, and for such other Expenses as may be incurred by them respectively or by the Board of Commissioners aforesaid, as herein-after is mentioned.

As to Friendly Societies hereafter.

As to the Formation and Establishment of Friendly Societies hereafter, be it enacted.,

How and for what Purpose formed.

XII. It shall be lawful for any Number of Persons, to the Number of *Ten* or more, to form and establish a Friendly Society, under the Provisions of this Act, for the Purpose of raising by voluntary Subscriptions of the Members thereof, with or without the Aid of Donations, a Fund for any of the following Objects; (that is to say,)

For Payments on Death.

1. For insuring a Sum of Money to be paid on the Death of a Member to the Person nominated in a Writing to be deposited with the Secretary of such Society by such Member, being the Husband, Wife, Father, Mother, Child, Brother, Sister, Nephew or Niece, or in default of such Nomination, or in case of the Death of such Nominee, to be paid to the Executor or Administrator or next of Kin of the Member:

For Relief in Sickness, &c.

2. For the Relief, Maintenance, or Endowment of the Members, their Husbands, Wives, Children, or Kindred, in old Age, Infancy, Sickness, or Widowhood:

For insuring from Fire, &c.

3. For insuring or making good any Loss or Damage of live or dead Stock, Goods, or Stock in Trade, Implements or Tools, which any Member shall sustain by Fire, Flood, Shipwreck, or any Contingency of which the Probability may be calculated by way of Average:

For the Investment of Savings.

4. For the frugal Investment of the Savings of the Members for better enabling them to purchase Food, Firing, Clothes, or other Necessaries, or the Tools, Implements, or Materials of their Trade or Calling, or to provide for the Education of their Children or Kindred: Provided, that the Shares in any such Investment Society shall not be transferable, and that the Investment of each Member shall accumulate or be employed for the sole Benefit of such Member investing, or of the Husband, Wife, Children, or Kindred of such Member, and that no

Part thereof shall be appropriated to the Relief, Maintenance or Endowment of any other Person whomsoever, and that the whole Amount of the Balance due, according to the Rules of such Society, shall be paid to him or her on withdrawing from such Society:

To enable Party to emigrate.

5. For the Purpose of enabling any Member, or the Husband, Wife, or Children, or Nominee of any such Member, to emigrate:

For other Purpose authorized by the Commissioners.

6. For any Purpose which shall be authorized by the Board of Commissioners of Friendly Societies, as herein-before provided as a Purpose to which the Power and Facilities of this Act ought to be extended:

Provided, that a Society established under this Act shall not assure the Payment of an Annuity exceeding *Fifty Pounds* per Annum, nor of a Sum payable on the Death of any Person, or on any other Contingency, exceeding *Two hundred Pounds*:

And if such Persons so intending to form and establish such Society shall frame Rules for the Government, Guidance, and Regulation of the same, and shall transmit the same to the Registrar aforesaid, and shall obtain his Certificate that the same are in conformity to Law as herein-after mentioned, then the said Society shall be deemed to be fully formed and established.

No Money to be paid on the Death of a Child without a Copy of Entry of the Registrar of Births and Deaths, nor to exceed 6*l.* if the Child is under Five Years of Age, nor 10*l.* if above Five and under Ten Years of Age.

XIII. In any Society in which a Sum of Money may be insured payable on the Death of a Child under *Ten* Years of Age, it shall not be lawful to pay any Sum on the Death of such Child, except upon Production of a Copy of the Entry in the Register of Births and Deaths, signed by the Registrar of the District in which the Child shall have died; and if such Entry shall state that the Cause of Death has not been certified by a qualified Medical Practitioner, or by a Coroner, a Certificate signed by a qualified Medical Practitioner, in the Form set forth in the Schedule of this Act, shall forthwith be procured, and it shall not be lawful in that Case to pay any Sum without such Certificate; and if any Trustee or Officer of any Society, upon an Insurance made *after the passing of this Act*, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society on the Death of a Child under the Age of *Five* Years to a Sum exceeding *Six Pounds*, or of a Child between *Five* and *Ten* Years to a Sum exceeding *Ten Pounds*, or shall pay any Sum without endorsing the Amount which he shall pay on the Back or at the Foot of the Copy of Entry signed by the Registrar, he shall be liable to a Penalty not exceeding *Five Pounds* for every such Offence, upon Conviction thereof before Two Justices of the County or Borough in which such Death shall have taken place: The Registrar shall be entitled to receive, upon Delivery of such Copy of Entry, a Fee of *Sixpence*, and it shall not be lawful for him to deliver more than One such Copy for such Purpose.

XIV. And

Benevolent Societies, in what Case entitled to the Benefits of this Act.

XIV. And whereas many Provident, Benevolent, and Charitable Institutions and Societies are formed and may be formed for the Purpose of relieving the physical Wants and Necessities of Persons in poor Circumstances, or for improving the Dwellings of the Labouring Classes, or for granting Pensions, or for providing Habitations for the Members or other Persons elected by them, and it is expedient to afford some Protection to the Funds thereof: Be it enacted, That if Two written or printed Copies of the Rules of any such Institution or Society, and from Time to Time the like Copies of any Alterations or Amendments made in the same, signed by *Three* Members and the Secretary thereof, shall be transmitted to the Registrar aforesaid, such Registrar shall, if he shall find that the same are not repugnant to Law, and with the Consent of the Board of Commissioners aforesaid, give a Certificate to that Effect; and thereupon the following Sections of this Act, that is to say, the Twenty-second, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Forty-ninth, Fiftieth, Fifty-first, and Fifty-second, shall extend and be applicable to the said Institution and Society as fully as if the same were a Society established under this Act.

Statutes as to unlawful Oaths not to extend to this Act.

XV. The Act of the Thirty-ninth of George the Third, Chapter Seventy-nine, and the Act of the Forty-seventh of George the Third, Chapter Nineteen, and also the Act of the Fourteenth and Fifteenth of Her present Majesty, Chapter Forty-eight, relating to unlawful Oaths in Ireland, shall not extend to any Society established under this Act or to any Meeting of the Members or Officers thereof in which Society or at which Meeting no Business whatever is transacted other than that which directly and immediately relates to the Objects of the Society as declared in the Rules thereof, and set forth in the certified Copy thereof: Provided, that the Trustees or other Officers of the Society, when required under the Hands of Two of Her Majesty's Justices of the Peace, shall give full Information to such Justices of the Nature, Objects, Proceedings, and Practices of such Society, and in default thereof the Provisions of the Acts herein recited shall be in force in respect of such Society.

Societies, how dissolved.

XVI. It shall be lawful for the Members of any Society heretofore formed and established, or hereafter to be formed and established, at some Meeting thereof to be specially called in that Behalf, to dissolve or determine the same by Consent: Provided that no Society established under this or any Act relating to Friendly Societies shall be dissolved or determined without obtaining the Votes of Consent of *Five Sixths* in Value of the then existing Members thereof, including the honorary Members, if any, to be ascertained in manner herein-after mentioned, nor without the Consent of all

Persons, if any, then receiving or then entitled to receive any Relief, Annuity, or other Benefit from the Funds thereof, to be testified under their Hands individually and respectively, unless the Claim of such Person be first duly satisfied; and for the Purpose of ascertaining the Votes of such *Five Sixths* in Value of the Numbers as aforesaid, every Member shall be entitled to One Vote, and an additional Vote for every *Five* Years that he may have been a Member, but no One Member shall have more than *Five* Votes in the whole; and the intended Appropriation or Division of the Funds or other Property shall be fairly and distinctly stated in the Agreement for Dissolution prior to such Consent being given; and the Agreement for such Dissolution, duly signed as aforesaid, accompanied with a statutory Declaration by One of the Trustees, or by *Three* Members and the Secretary, taken before a Justice of the Peace, that the Provisions of the Act under which the Society was established have been complied with, shall be forthwith transmitted to the Registrar, to be by him deposited with the Rules of the Society, and such Agreement shall thereupon be an effectual Discharge at Law and in Equity to the Trustees, Treasurers, and other Officers of such Society, and shall operate as a Release from all the Members of the Society to such Trustees, Treasurers, and other Officers; and in the event of the Dissolution or Determination of any Society, or the Division or Appropriation of the Funds thereof, except in the Way herein-before provided, any Trustee or other Officer or Person aiding or abetting therein shall, on Conviction thereof by Two Justices, be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Term not exceeding *Three* Calendar Months, as to such Justices shall seem meet.

Societies may unite with others, or One Society may transfer its Engagement to another.

XVII. It shall be lawful for any Two or more Societies established under this or any of the Acts hereby repealed to unite and become incorporated in One Society, without any Dissolution or Division of the Funds of such Societies or either of them; or a Society formed and established under this Act or any of the said repealed Acts may, with the Permission of the Commissioners for Friendly Societies aforesaid, be allowed to transfer its Engagements to any other Friendly Society, if any other such Society shall undertake to fulfil the Engagements of such Society, upon such Terms as shall be agreed upon by the major Part of the Trustees, and also by the Committee of Management of both Societies, or the Majority of the Members of each of such Societies at a General Meeting convened for the Purpose.

Minors may be elected.

XVIII. A Person under the Age of Twenty-one may be elected or admitted as a Member of any such Society, and may and he is hereby

hereby empowered to execute all necessary Instruments and to give all necessary Acquittances: Provided always, that during his Nonage he shall not be competent to hold any Office of Director, Trustee, Treasurer, or Manager of such Society.

Expulsion of Members.

XIX. And if any Member of any such Society shall be unlawfully expelled therefrom, it shall be lawful for Two Justices having Jurisdiction in the Place where the Meetings of such Society are usually holden, upon the Complaint of such expelled Member, to summon the principal or other Officer of such Society before them, and to hear and determine the Matter of such Complaint; and if it appear to such Justices, upon Evidence given before them, that such Expulsion was illegal or unjust, it shall be lawful for them and they are hereby required to order that he may be forthwith restored or reinstated, and in such Order they may direct and adjudge that the Officer to whom the same is directed, in case such Order be not obeyed, shall pay to the Complainant such Sum of Money as to the said Justices may appear a fair Compensation for such Expulsion, and in such Order the said Justices may direct that if the same be not paid within a certain Time therein mentioned, the Amount thereof, together with Costs (not exceeding the Sum of *Ten Shillings*), shall be levied by Distress and Sale of the Property of such Society, or of the Officer to whom the Order aforesaid shall be directed; and the said Justices may, if necessary, afterwards enforce their said Order by issuing their Warrant of Distress thereon accordingly.

Meetings of the Society.

XX. The Rules of every Friendly Society under this Act shall specify the Times and Places where the Members thereof shall hold their Meetings for the Purpose of conducting the Affairs of such Society; and it shall be lawful for the Trustee or Trustees for the Time being of any Friendly Society formed and established under this Act or under any of the Acts hereby repealed, with the Consent of a Majority of the Members thereof present at a Special or General Meeting of the Society, to purchase, hire, or take upon Lease any Building or Buildings for the Purpose of such Meetings, and to adapt and furnish the same, and such Trustee or Trustees shall thereupon hold the same in trust for the Use of such Society; and, with the like Consent as aforesaid, such Trustee or Trustees may mortgage, sell, exchange, or let such Building or Buildings, or any Part thereof; and the Receipt in Writing of such Trustee, or One of such Trustees for the Time being, shall be a legal Discharge for the Money arising from such Mortgage, Sale, Exchange, or Letting; and no Mortgagee, Purchaser, Tenant, or Assignee shall be bound to inquire into or ascertain or prove the Consent aforesaid, to verify his Title: Provided always, that any Building already belonging to or

Buildings for the Purpose may be purchased or leased.

in the Possession of any Friendly Society heretofore formed and established under the said repealed Acts or any of them may be holden and dealt with as if they had been acquired under this Act; and when any such last-mentioned Society shall hereafter come under the Provisions of this Act, the Land or Buildings which may be vested in the Treasurer thereof for the Time being shall thereupon vest in the Trustee or Trustees for the Time being of such Society, for the same Estate and Interest as the said Treasurer may have therein, without any Conveyance or Assignment whatever.

Committee of Management.

XXI. It shall be lawful for the Members of any Society under this Act or under the said repealed Acts or any of them, or for a Majority of such Members present at any Meeting of the Society, to nominate and appoint a Committee of General Management, to whom they may delegate all or any of the Powers of such Society relative to the Management thereof, or to the framing, amending, repealing, rescinding, or altering the Rules of such Society, or any of them.

As to the Appointment of Officers by such Society, be it enacted,

Trustees, how appointed.

XXII. Every Friendly Society to be formed and established under the Provisions of this Act shall, at some Meeting of its Members, and by a Resolution of a Majority of the Members then present, nominate and appoint One or more Person or Persons to be Trustee or Trustees for the said Society, and the like in the Case of any Vacancy in the said Office; and a Copy of the Resolution so appointing such Person or Persons to the Office of Trustee, and signed by such Trustee or Trustees and by the Secretary of the said Society, shall be sent to the Registrar, to be by him deposited with the Rules of the said Society in his Custody: Provided always, that in case no Trustee shall have been appointed in any Society established under any One of the Acts hereby repealed, the Treasurer thereof, or other Person who has Custody of the Monies of such Society, shall be taken to be a Trustee, within the Meaning of this Act.

Property of the Society vested in them.

XXIII. All Real and Personal Estate whatsoever belonging to the said Society shall be vested in such Trustee or Trustees for the Time being, for the Use and Benefit of such Society and the Members thereof, their respective Executors or Administrators, according to their respective Claims and Interest, and upon the Death or Removal of any such Trustee or Trustees the same shall vest in the succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Conveyance or Assignment whatsoever, save and except in the Case of Stocks and Securities in the Public Funds of Great Britain and Ireland, which shall

shall be transferred into the Name or Names of such new Trustee or Trustees; and in all Actions or Suits or Indictments, or Summary Proceedings before Magistrates, touching or concerning any such Property, the same shall be stated to be the Property of the Person or Persons for the Time being holding the said Office of Trustee, in his or their proper Name or Names, without any further Description.

Actions, &c. by or against them.

XXIV. The Trustee or Trustees so appointed as aforesaid are hereby authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution in any Court of Law or Equity, touching or concerning the Property, Right, or Claim to Property of the Society for which he or they are such Trustee or Trustees as aforesaid; and such Trustee or Trustees shall and may, in all Cases concerning the Real or Personal Property of such Society, sue and be sued, plead and be impleaded, in any Court of Law or Equity, in his or their proper Name or Names, as Trustee or Trustees of such Society, without other Description; and no such Action, Suit, or Prosecution shall be discontinued or shall abate by the Death of such Person, or his Removal from the Office of Trustee, but the same shall and may be proceeded in by or against the succeeding Trustee or Trustees in the proper Name of the Person commencing or defending the same; and such succeeding Trustee or Trustees shall pay or receive the like Costs as if the Action or Suit had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Society.

Limitation of his Responsibility.

XXV. Provided nevertheless, That no Trustee or Trustees of any such Society shall be liable to make good any Deficiency which may arise or happen in the Funds of such Society, but shall be liable only for the Monies which shall be actually received by him on their Account.

Treasurers, how appointed.

XXVI. Every Friendly Society to be established under this Act shall, at some Meeting of the Society, and by a Majority of the Members then present, appoint One or more fit and proper Person or Persons to be Treasurer or Treasurers of such Society, and afterwards, so often as the Office of Treasurer shall become vacant by Death or otherwise, they shall in like Manner appoint some fit and proper Person to the Office.

To give Security.

XXVII. The Treasurer of every such Society shall, before he take upon himself the Execution of his Office, become bound, with One sufficient Surety, in a Bond according to the Form set forth in the Schedule to this Act, in such penal Sum as the Committee of Management shall direct and appoint, conditioned for his just and faithful

faithful Execution of his said Office of Treasurer, and for rendering a just and true Account of all Monies received or paid by him on account of the said Society at such Times as the Rules of the said Society shall direct and appoint, and at such Times as he shall be required so to do by a Trustee or Trustees of the said Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at any Meeting of such Society; and every such Bond shall be given to the Trustee or Trustees of the said Society for the Time being; and if the same shall at any Time become forfeited, it shall be lawful for such Trustee or Trustees for the Time being to sue upon such Bond for the Use of such Society; and in Scotland such Bond shall have the same Force and Effect as a Bond there in use duly attested and completed, and containing a Clause of Registration for Execution as well as for Preservation in the Books of Council and Session and other Judges Books competent, and shall be registered in such Books accordingly, with a view to Diligence.

Treasurer to account.

XXVIII. Every such Treasurer at such Times as by the Rules of such Society he should render such Account as aforesaid, or upon being required so to do by a Trustee or Trustees of such Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at a Meeting of the said Society as aforesaid, shall within *Seven* Days thereafter render to the Trustee or Trustees of the Society, or to the said Committee of Management, or to the Members of such Society at a Meeting of the Society, a just and true Account of all Monies received and paid by him since he last rendered the like Account, and of the Balance then remaining in his Hands, which Account the said Trustee or Trustees of the said Committee of Management shall cause to be audited by some fit and proper Person or Persons by them to be appointed; and such Treasurer, if thereunto required, shall forthwith hand over such Balance to the Trustee or Trustees of such Society, and upon the said Account being audited as aforesaid shall forthwith hand over to the said Trustee or Trustees the Balance which on such Audit shall appear to be due from him, and shall also, if required, hand over to such Trustee or Trustees all Securities and Effects, Books, Papers, and Property of the said Society in his Hands or Custody; and if he fail to do so the Trustee or Trustees of the said Society may sue upon the Bond aforesaid, or may sue such Treasurer in the County Court of the District, or in any of the Superior Courts of Common Law, or in any other Court having Jurisdiction, for the Balance appearing to have been due from him upon the Account last rendered by him, and for all the Monies since received by him on account of the said Society, and for the Securities and Effects, Books, Papers,

Papers, and Property in his Hands or Custody, leaving him to set off in such Action the Sums, if any, which he may have since paid on account of the said Society; and in such Action the said Trustee or Trustees shall be entitled to recover their full Costs of Suits, to be taxed as between Attorney and Client.

Property how recovered, if the Officer die, or become bankrupt or insolvent.

XXIX. If any Person already appointed or employed or hereafter to be appointed or employed to or in any Office in any Friendly Society established under this Act or under any of the Acts hereby repealed, and having in his Hands or Possession any Monies or Property whatsoever of such Society, or any Deeds or Securities belonging to such Society, shall die, or become bankrupt or insolvent, or have any Execution or Attachment or other Process issued against him or any Part of his Property, or shall have any Action or Diligence raised against his Lands, Goods, Chattels, or Effects, or Property or other Estate, heritable or moveable, or shall make any Assignment, Disposition, Assignation, or other Conveyance for the Benefit of his Creditors, the Heirs, Executors, Administrators, or Assignees of every such Officer, and every other Person having or claiming Right to the Property of such Officer, and the Sheriff or other Person executing such Process, and the Party using such Action or Diligence respectively, shall, upon Demand in Writing made by the Treasurer or by the Trustee or any *Two* of the Trustees of such Society, deliver and pay over all such Monies, Property, Deeds, and Securities belonging to such Society to such Person as such Treasurer or Trustees shall appoint, and shall pay, out of the Estate, Assets, or Effects, heritable or moveable, of such Officer, all Sums of Money due which such Officer shall have received, before any other of his Debts are paid, and before any other Claims upon him shall be satisfied, and before the Money directed to be levied by such Process as aforesaid, or which may be recovered or recoverable under such Diligence, is paid over to the Party issuing such Process or using such Diligence; and the Claims aforesaid of such Society shall be a Lien upon the Property of such Officer, and all his Assets, Lands, Goods, Chattels, Property, Estates, and Effects shall be bound to the Payment, Discharge, and Satisfaction of such Claims.

As to the Rules of the said Societies, be it enacted,

Rules to be made.

XXX. Before any Friendly Society shall be established under this Act, the Persons intending to establish the same shall agree upon and frame a Set of Rules for the Regulation, Government, and Management of such Society, and in such Rules they shall, amongst other things, make Provision for the altering, amending, and rescinding the said Rules or any of them, and of making new Rules, when it shall be deemed necessary, and for imposing reasonable Fines and

Forfeitures on any Member of such Society who shall offend against the said Rules or any of them, and for appointing a General Committee of Management of such Society, and delegating to such Committee all or any of the Powers given by this Act to the Members of Friendly Societies formed or established under or by virtue of the same; and such Rules shall state, in particular,

1. The Name and Place of Business of the Society:
2. The whole of the Objects for which the Society is to be established, the Purposes for which the Funds thereof shall be applicable, and the Conditions under which any Member may become entitled to any Benefit assured thereby:
3. The Manner of making, altering, amending, or rescinding any of the Rules:
4. For the Appointment of Trustees, Treasurer, and Officers to prepare Returns required by this Act:
5. The Mode in which the Funds of the Society shall be invested:
6. For an annual Audit of Accounts:
7. The Manner in which Disputes between the Society and any of its Members, or any Person claiming by or through any Member, or between the Society and any of its Officers, shall be settled:

And the Rules of every such Society shall provide that all Monies received or paid on account of each and every particular Fund or Benefit assured to the Members thereof, their Husbands, Wives, Children, or Kindred, for which a separate Table of Contributions payable shall have been adopted, shall be entered in a separate Account, distinct from the Monies received and paid on account of any other Benefit or Fund.

Copies to be sent to the Registrar, and his Certificate obtained.

XXXI. Two printed or written Copies of such Rules, signed by *Three* of the intended Members, shall be transmitted to the Registrar aforesaid, and if the Registrar shall find that such Rules are in conformity with Law and with the Provisions of this Act, he shall give a Certificate in the Form set forth in the Schedule to this Act, and shall return One of the said Copies to the said Society, and shall keep the other in such Manner as shall from Time to Time be directed by the Board of Commissioners for Friendly Societies aforesaid, and for which Certificate no Fee shall be payable to the said Registrar; and all Rules so certified as aforesaid shall be binding on the several Members of the said Society: Provided always, that it shall not be lawful for the said Registrar to grant any such Certificate to a Society assuring to any Member thereof a certain Annuity or Superannuation deferred

Actuary's Certificate to be sent with the Copies

deferred or immediate, unless the Tables of Contributions payable for such kind of Assurance shall have been certified by an Actuary of some Life Assurance Company established in London, Edinburgh, or Dublin, who shall have exercised the Profession of Actuary for at least *Five* Years, and such Certificate be transmitted to the Registrar, together with the Copies of the Rules aforesaid, or unless the Board of Commissioners of Friendly Societies shall dispense with such Actuary's Certificate, and allow the said Registrar to grant his Certificate aforesaid without it.

in case of Tables of Annuities.

XXXII. After the Rules of a Friendly Society shall have been so certified by the Registrar as aforesaid, it shall be lawful for such Society to alter, amend, or rescind the same or any of them, or to make new Rules; and it shall be lawful for any Friendly Society formed and established under any of the Acts hereby repealed to alter, amend, or rescind the Rules by which their Society is governed, regulated, or managed, or to make new Rules: Provided always, that Two printed or written Copies of the proposed Alterations or Amendments, and of such new Rules, signed by *Three* Members of such Society, shall be transmitted to the said Registrar, to One of which shall be attached a Declaration by the Secretary or One of the Officers of such Society, that in making the same the Rules of such Society respecting the making, altering, amending, and rescinding Rules have been duly complied with; and if the said Registrar shall find that such Alterations, Amendments, or new Rules are in conformity with Law and with the Provisions of this Act, he shall give to the Society a Certificate in the Form set forth in the Schedule to this Act, and return One of the Copies to the Society, and shall keep the other in such Manner as shall be from Time to Time directed by the Board of Commissioners for Friendly Societies, and for which Certificate no Fee shall be payable to the said Registrar; and all Rules, Alterations, and Amendments so certified as aforesaid shall be binding on the several Members of the said Society; but unless and until the same shall be so certified as aforesaid such Rules, Alterations, and Amendments shall have no Force or Validity whatsoever.

Rules may be altered, amended, rescinded, or new Rules made.

To be certified by Registrars.

XXXIII. Any Friendly Society established under the said repealed Acts or any of them may come under the Provisions of this Act, by having its Rules certified in manner aforesaid; and thereupon the Provisions of the Act or Acts under which such Society may have been enrolled or certified shall no longer be applicable to such Society, save as to Offences committed, or Penalties or Liabilities incurred, or Bond or Security given, or Proceedings taken whilst such repealed Act or Acts were in force, but in all other respects

Old Societies may have their Rules certified under this Act.

respects the said Society shall be deemed the same as if it had originally been formed and established under this Act.

When Place of Meeting is altered, Notice to be sent to Registrar.

XXXIV. Whenever any Friendly Society established under this Act or under any of the Acts hereby repealed shall change its Place of Business, written Notice of such Change, under the Hands of *Two* of the Trustees or *Three* Members of the Committee of Management, shall, within *Fourteen* Days thereafter, be sent to the said Registrar: Provided, however, that if the Place of Business shall be changed to a Place in some other County, then the Certificate or Certificates by which the Rules of the said Society were certified shall cease to be in force, and such Society shall thereupon procure its Rules to be certified by the said Registrar de novo in manner aforesaid.

Circulating false Copies of Rules, &c. a Misdemeanor.

XXXV. If any Person shall give to any Member of a Friendly Society established under this Act or under any of the said repealed Acts, or to any Person intending or applying to become a Member of such Society, a Copy of any Rules, or of any Alterations or Amendments of the same, other than those respectively which have been enrolled or certified by the Registrar, under colour that the same are binding upon the Members of such Society, or shall make any Alterations in or Addition to any of the Rules or Tables of such Society after they shall have been respectively enrolled or certified by the Registrar, and shall circulate the same, purporting that they have been duly enrolled or certified under this or any of the said repealed Acts, when in fact they have not been so duly enrolled or certified, every Person so offending shall be deemed guilty of a Misdemeanor.

Friendly Societies may be registered under the Joint Stock Acts.

XXXVI. Provided nevertheless, That any Friendly Society established under this Act or any of the said repealed Acts may, with the Consent of the Board of Commissioners for Friendly Societies, and upon such Conditions and subject to such Regulations as the said Board may think fit, be registered under the Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and ten, relating to Joint Stock Companies, or any Act or Acts passed to alter or amend the same.

Rules, how received in Evidence.

XXXVII. All Rules and Tables of any Society established under this Act or any of the said repealed Acts, and all Alterations and Amendments thereof, and all Copies thereof or Extracts therefrom, signed by the Registrar aforesaid for the Time being,

being, shall, in the Absence of any Evidence to the contrary, be received in all Courts of Law and Equity, and elsewhere, without Proof of the Signature thereto.

And as to Receipts and Payments by such Societies, be it enacted:

On Death of Member, Sum under 50*l.* may be paid without Administration.

XXXVIII. When, on the Death of any Member of any Society established under this Act or any of the said repealed Acts, any Sum not exceeding *Fifty Pounds* shall become payable, it shall be lawful for the Trustee or Trustees of such Society for the Time being, if he or they shall be satisfied that no Will was made or left by such deceased Member, and that no Letters of Administration or Confirmation will be taken out of the Funds, Goods, and Chattels of such deceased Member, to pay the said Sum to the Widower or Widow of such Member, as the Case may be, or to the Child of such Member, if directed so to do by any Rule of the said Society, or in case there shall be no such Direction, then to pay and divide the same to and amongst the Person or Persons whom he shall judge to be entitled to the Effects of the Deceased, without taking out Letters of Administration in England or Ireland, and without Confirmation in Scotland.

Sums beyond 50*l.* to Executor or Administrator. Indemnity to Trustees.

XXXIX. Sums beyond *Fifty Pounds*, payable on the Death of any Member, shall be paid to the Person nominated by the deceased in Writing deposited with the Secretary, being the Husband, Wife, Father, Mother, Brother, Sister, Nephew, or Niece of such deceased Member, or in default of such Nomination to his or her Executor or Administrator: Provided nevertheless, that wherever the Trustee or Trustees of any such Society, after the Decease of any Member thereof, shall have paid and divided any Sum of Money to or amongst any Person or Persons who shall at the Time of such Payment appear to such Trustee or Trustees to be entitled to the Effects of any deceased Member who has died intestate, the Payment of any such Sum shall be valid and effectual with respect to any Demand from any other Person or Persons as next of Kin of such deceased Member, or as the lawful Representative or Representatives of such Member, against the Funds of such Society or against the Trustees thereof; but nevertheless such next of Kin or Representative shall have Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Fraud in obtaining or withholding Money, &c. from the Society.

XL. And for the more effectually preventing Fraud and Imposition on the Funds of any Friendly Society established under this Act or any of the said repealed Acts, be it enacted, That if any Officer, Member, or any other Person being or representing himself to be a Member of such Society, or the Nominee,

Executor, Administrator, or Assignee of any Member thereof, or any other Person whatsoever, shall, in or by false Representation or Imposition, obtain Possession of any Monies, Securities, Books, Papers, or other Effects of such Society, or, having the same in his Possession, shall withhold or misapply the same or any Part thereof, it shall be lawful for any Justice of the Peace for the County or Borough in which the principal Place of Business or Meeting of such Society shall be situated, upon Complaint thereof on Oath or Affirmation made by any Officer of such Society appointed for that Purpose, to summon such Person against whom such Complaint is so made to appear at a Time and Place in such Summons mentioned before Two Justices of such County or Borough; and such Two Justices, at the Time and Place mentioned in such Summons, shall proceed to hear and determine the Matter of such Complaint in manner as directed by the Statute Eleven and Twelve Victoria, Chapter Forty-three; and upon due Proof of such Fraud the said Justices shall convict the said Party, and adjudge him to pay *double* the Amount of the Money so obtained or with-held, with Costs, and which said Sum and Costs shall be paid over to the Treasurer of such Society, to be applied by him to the Purposes of the said Society; and in the Case of Securities, Books, Papers, or other Effects of the said Society with-held or misapplied, the said Justices, by an Order, may adjudge and order the Party complained against to deliver up the same forthwith to the Trustee or One of the Trustees of such Society, and in default of his so doing that he shall be imprisoned in the Common Gaol or House of Correction, with or without Hard Labour, for a Time not exceeding *Three* Months; and in case of a Conviction wherein such offender shall be adjudged to pay a Sum of Money the said Justices may therein adjudge that in default of Payment thereof the same may be levied by Distress, and in default of Distress, that the said Offender may be imprisoned in the Common Gaol or House of Correction, with or without Hard Labour, for any Time not exceeding *Three* Months, in like Manner as is directed in Statute Eleven and Twelve Victoria, Chapter Forty-three.

And as to the Property of any Friendly Society established under this Act or under any of the said repealed Acts, and how the same shall be invested, be it enacted:

Donations. 33 G. 3. c. 54. s. 14.

XLI. It shall be lawful for any Society established under this Act or any of the said repealed Acts to receive any Property whatsoever, by Gift, Grant, Bequest, Devise, or otherwise, from any Person, notwithstanding that the Instrument by which the same is conveyed to or in trust for them shall not have been enrolled pursuant to the Statute passed in the Ninth Year of King George the Second, Chapter Thirty-six, and all such Property shall vest in the

the Trustee or Trustees of the said Society, in trust for the Use of such Society.

Funds, how invested.

XLII. The Trustee or Trustees of every Friendly Society established under this Act or any of the said repealed Acts may from Time to Time, with the Consent of the Committee of Management of such Society, or of a Majority of the Members of such Society present at a General or Special Meeting thereof, or in accordance with the Rules of such Society, invest the Funds of such Society, or any Part thereof, to any Amount, in any Savings Bank, or with the Commissioners for the Reduction of the National Debt, as herein-after mentioned, or in such other Security as the Rules of such Society may direct, not being the Purchase of House or Land (save and except the Purchase of Buildings wherein to hold the Meetings or transact the Business of such Society, as herein-before mentioned,) and not being the Purchase of Shares in any Joint Stock Company or other Company, with or without Charter of Incorporation, and not being mere personal Security; and any Society established under this Acto r any of the aforesaid repealed Acts may, with the Consent of the Commissioners, appropriate a Part of the Funds of the said Society to the Establishment and Maintenance of a Loan Society, provided the same be established in conformity with the Provisions of the Act passed in the Third and Fourth Year of Her present Majesty, Chapter One hundred and ten, and any other Act in force relating to Loan Societies.

Funds may be invested with the Commissioners of the National Debt.

XLIII. Every Friendly Society established under this Act, and every Friendly Society established under the said repealed Acts, which does not assure the Payment in any Event of a Sum exceeding *Two hundred Pounds*, or an Annuity exceeding *Thirty Pounds* per Annum, may pay any Sum of Money not less than *Fifty Pounds* into the Bank of England, to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Trustee or of the Trustees, or any Two or more of them, that such Monies belong exclusively to the said Society; and the Cashier of the Bank of England is hereby required to receive all such Monies, and to place the same to the Account raised in the Name of the said Commissioners in the Book of the Bank, named "The Fund for Friendly Societies;" and if such Declaration shall not be true, then and in every such Case the Sum of Money so paid in on such Declaration shall be forfeited to the said Commissioners, and shall be applied by them in the Manner directed by any Act or Acts for the Time being in force relating to Savings Banks with respect to the Account of such Banks; and the Regulation of Receipts, Certificates, or Orders concerning Saving Banks shall be deemed applicable to Monies paid in

as aforesaid under the Authority of this Act, as if the same had been herein repeated; and every such Society, on paying Money directly into the Bank as aforesaid, shall be entitled to receive Receipts bearing Interest at the same Rate as is payable to the Trustees of Savings Banks: Provided, that every Society which shall deposit any Part of its Funds in any Savings Bank, or with the Commissioners for Reduction of the National Debt, shall furnish to the said Commissioners from Time to Time such Accounts as they may require in reference to the Funds so deposited.

What Interest old Societies to have from the Commissioners.

XLIV. Every Society already established under any of the said repealed Acts, which shall have hitherto invested any Part of their Funds with the Commissioners for the Reduction of the National Debt, shall, on paying hereafter Money into the Bank of England on account of Assurances already made by them, be entitled to receive Receipts for the same bearing Interest at such Rate or Rates as such Society is now entitled to receive according to the Provisions of the Act under which such Society was established; and a Declaration shall be made by the Trustees of such Society, on making every such Payment, that such Payment is made on account of Assurances made previously to the Twentieth Day of August in the Year One thousand eight hundred and fifty, in such Form as the said Commissioners shall from Time to Time direct; and if such Declaration shall not be true, then and in every such Case the Sum of Money so paid on such Declaration shall be forfeited to the said Commissioners, to be applied by them in the Manner directed in any Act for the Time being in force relating to Savings Banks: Provided, that no Money paid in on account of Assurances made after the said Twentieth Day of August in the Year One thousand eight hundred and fifty shall be applied towards the Payment of Assurances made before that Day.

Re-depositing of Money withdrawn.

XLV. Where any Friendly Society shall withdraw Money invested by them with the Commissioners for the Reduction of the National Debt, such Society shall not be entitled to re-deposit the same with the said Commissioners without the Consent of the said Commissioners, or of the Comptroller General or Assistant Comptroller under them.

Transfer of Stock.

XLVI. Whenever it shall happen that any Person in whose Name any Part of the several Stocks, Annuities, and Funds transferable at the Bank of England, or in the Books of the Governor and Company of the Bank of England, is or shall be standing as a Trustee for any such Society, shall be out of England, or Ireland, or Scotland, respectively, or shall have been removed from his Office of Trustee, or shall be a Bankrupt, Insolvent, or Lunatic, or it shall be unknown whether such

such Trustee is living or dead, it shall be lawful for the Registrar, upon Proof thereof, and after receiving an Application in Writing from the Secretary of the Society and *Three* Members thereof, to direct the Accountant General or other proper Officer for the Time being of the said Governor and Company of the Bank of England to transfer in the Books of the said Company such Stocks, Annuities, or Funds standing as aforesaid into the Name of the Trustee who shall be newly appointed, and to pay to him from Time to Time the Dividends thereof; and if One of Two or more such Trustees shall die, or be removed from his Office of Trustee, or become bankrupt or insolvent, it shall be lawful for the Registrar, on the like Application, to direct that the other or others of the Trustees shall transfer such Stock, Annuities, or Funds into the Name of such Person as may have been appointed in his Stead, jointly with the continuing Trustee or Trustees.

Power of Attorney, &c. not liable to Stamp Duty.

XLVII. No Copy of Rules, nor Power, Warrant, or Letter of Attorney granted by any Person as Trustee of any Society established under this Act, for the Transfer of any Share in the Public Funds standing in the Name of such Trustee, nor any Order or Receipt for Money contributed to or received from the Funds of any such Society, by any Person liable or entitled to pay or receive the same by virtue of the Rules thereof or of this Act, nor any Bond to be given to or on account of any such Society, or by the Treasurer or any Officer thereof, nor any Draft or Order, nor any Form of Policy, nor any Appointment of any Agent, nor any Certificate or other Instrument for the Revocation of any such Appointment, nor any other Document whatever required or authorized by or in pursuance of this Act or the Rules of any Society, shall be liable to Stamp Duty: Provided, that, notwithstanding anything contained in this Act or in any former Act relating to Friendly Societies, no Exemption from any of the Duties granted by any Act or Acts relating to Stamp Duties shall be deemed to extend to any Society which shall assure the Payment of Money exceeding *One hundred Pounds;* and it shall not be lawful for any such Society to assure the Payment of any Money on the Death of a Member to any Person, except Executors, Administrators, or Assigns of such Member or Persons recited in the Eleventh Section of this Act, and nominated as therein mentioned.

Limitation of Exemptions to Societies not assuring above 100*l.*

Trustees may subscribe to a Hospital or Provident Institution.

XLVIII. The Trustees of such Society may, out of the Funds thereof, subscribe to any Hospital, Infirmary, Charitable or other Provident Institution such Annual or other Sum as may be agreed upon by the Committee of Management, or by a Majority of the Members, in consideration of any Member of such Society, his Wife,

Child, or Relative, being eligible to receive the Benefits of such Hospital or other Institution, according to the Rules thereof.

As to the Determination of Disputes between Friendly Societies and their Members and others, be it enacted:

As to the Determination of Disputes according to the Rules.

XLIX. Every Dispute between any individual Member of any Society established under this Act or any of the Acts hereby repealed, or any Person claiming through or under a Member, and the Trustee, Treasurer, or other Officer, or the Committee thereof, shall be decided in manner directed by the Rules of such Society, and the Decision so made shall be binding and conclusive on all Parties, without Appeal; and if either of the said Parties shall refuse or neglect to comply with or conform to the Decision, or if from any Cause whatever no final Decision shall be made within *Three* Months after Complaint made to the Secretary of the Society, or, in the Case of a Sum assured on the Death of a Member, if no final Decision shall be made within *Twenty-one* Days after Application made as aforesaid, or if the Rules shall direct Disputes to be settled by Justices, then in any of the said Cases any Two Justices of the Peace of the County, Riding, or Borough in which the usual or principal Place of Business of the Society shall be situate may enforce such Decision, or hear and determine such Dispute, as the Case may be, and make an Order thereupon for Payment of Money or otherwise, as they may think fit.

In what Cases by the County Court.

L. In all Friendly Societies formed and established under this Act or any of the said repealed Acts, all Applications for the Removal of any Trustee, or any other Relief, Order, or Direction by reason of the Misapplication of the Funds of such Society, and all Disputes that may arise in any Society the Rules of which do not prescribe any other Mode of settling such Disputes, shall be made to the County Court of the District within which the usual or principal Place of Business of the Society shall be situate, and such Court shall, upon the Application of any Person interested in the Matter, entertain such Application, and give such Relief, and make such Orders and Directions in relation to the Matter of such Application, as herein-after mentioned, or as may now be given or made by the Court of Chancery in respect either of its ordinary or its special or statutory Jurisdiction, or by the Lord Chancellor intrusted with the Care and Custody of Lunatics, in a Suit regularly instituted, or upon Petition, or as may be now given or made by the Registrar of Friendly Societies, or by the Judge of a County Court, or by any Two Justices as aforesaid; and the Decision of such County Court upon and in relation to such Application as aforesaid shall not be subject to any Appeal: Provided always, that in Scotland the Sheriff within his County, and in

in Ireland the Assistant Barrister within his District, shall have the same Jurisdiction as is hereby given to the Judge of a County Court.

Order of County Court, how enforced.

LI. In all Cases where the Order of such County Court shall be for the Payment of Money, the same may be enforced in the same Manner as the ordinary Judgments of such Court are enforced; but where the Order of the said Court shall be for the doing of something not being for the Payment of Money, it shall be lawful for the Judge of such County Court in his said Order to order the Party to do such Thing, or that in default of his doing it he shall pay a certain Sum of Money; and in case he refuse or neglect to do the Thing required, upon Demand in that Behalf, the Sum of Money or Penalty in the said Order may then be recovered in the same Manner as a Judgment for Debt or Damages in such Court; and it shall not be lawful to remove the same by Certiorari or other Writ or Process to any Superior Court of Record.

Lord Chancellor may make Orders for regulating the Proceedings in this respect.

LII. Provided, however, That the Lord Chancellor may make such Orders for regulating the Proceedings by and before the Judges of County Courts under this Act as he may think fit; and in Scotland the Court of Session shall have the like Power by Act of Sederunt as regards Proceedings before Sheriffs under this Act; and, subject to such Orders and Acts of Sederunt respectively, such Judges and Sheriffs may regulate the Proceedings before them respectively so as to render them as summary and inexpensive as conveniently may be.

In the Case of Societies whose Rules are not certified, Disputes between the Society and its own Members to be settled as in Cases of certified Societies.

LIII. In the Case of any Friendly Society established for any of the Purposes mentioned in Clause XII. of this Act having written or printed Rules, but whose Rules have not been sent to the Registrar and certified by him, every Dispute between any individual Member of such Society, and the Trustees, Treasurer, or other Officer, or the Committee of such Society, shall be decided in manner herein-before provided with respect to Disputes, and the Decision thereof, in the Case of Societies to be established under this Act: Provided always, that nothing herein contained shall be construed to confer on any such Society, whose Rules shall not have been sent to and certified by the Registrar, or any or the Members or Officers of such Society, any of the Powers, Exemptions, or Facilities of this Act, save and except as in and by this Section is expressly provided.

As to Returns to be made by the said Societies, be it enacted:

Returns to the Commissioners, when and how.

LIV. The Trustees of Friendly Societies established under this Act or under any of the repealed Acts, or the Officer thereof appointed to prepare Returns, shall, once in every Year, transmit

to the Board of Commissioners for Friendly Societies a General Statement of the Funds and Effects of such Society during the past Twelve Months, or a Copy of the last annual Report of such Society, and shall also, within *Three* Months after the Expiration of the Month of December One thousand eight hundred and fifty-five, and so again within *Three* Months after the Expiration of every Five Years succeeding, transmit to the said Board of Commissioners a Return of the Rate or Amount of Sickness and Mortality experienced by such Society within the preceding *Five* Years, in such Form as shall be prepared by the said Board, and an Abstract of the same shall be laid before Parliament; and if in any Year such Statement shall not be transmitted as aforesaid the Registrar shall give Notice thereof to the Trustees of such Society; and if, after such Notice, such Statement shall not be transmitted on or before the last Day of March following, or if any fraudulent or wilfully false Return shall be transmitted, such Trustees shall be and are hereby declared to be incapable of prosecuting any Action or Suit in any Court of Law or Equity on behalf of such Society until they shall have duly made such Return as aforesaid.

Interpretation Clause.

LV. The following Words herein-after named are herein used and applied in the Manner following respectively; namely, the Words "Justice of the Peace" shall mean a Justice of the Peace for the County, Riding, Division, Borough, City, Liberty, or Place in which the Place of Meeting of the Society shall be situate according to the Rules, or the County, Riding, Division, Borough, City, Liberty, or Place adjacent thereto, or in which the Offender shall reside; the Word "Registrar" shall mean the Registrar of Friendly Societies in England, Scotland, or Ireland, as the Case may be; the Word "County Court" shall mean every County Court holden or established, or to be holden or established, under the Act of the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, or any Act or Acts passed or to be passed for the Alteration or Extension of the same Act, and every Judge of any such Court; and the Word "Society" shall extend to and include every Branch of a Society, by whatever Name it may be designated; and the Words "Committee of Management" shall mean the Body of Members appointed to manage and direct the Affairs of the Society, by whatever Name such Body may be called; and the Word "Secretary" shall mean the Clerk or Person who keeps the Accounts of the Society.

SCHE-

SCHEDULE referred to by the foregoing Act.

Form of Registrar's Certificate to Rules of Friendly Societies.

I hereby certify, That these Rules [*or* new Rules, *or* Alterations of Rules,] are in conformity to Law.

[*Or, if the Certificate is given in obedience to a Fiat of the Board, add the Words,* " and issue this Certificate in obedience to an Order of the Commissioners for Friendly Societies, dated the Day in the Year of our Lord One thousand eight hundred and ."

A. B.,
The Registrar of Friendly Societies in England
[Ireland *or* Scotland].
Day of

Form of Certificate of Medical Practitioner.

I hereby certify, That
aged Years, late of
died on the Day of and that I consider his *or* her Death to have been caused by

(Signed) *Profession.*
Residence.

Day of

Form of Bond.

Know all Men by these Presents, That we *A.B.* of Treasurer [*or* Steward, *&c.*] of the Society, established at in the County of and *C.D.* of and *G.H.* of (as Sureties on behalf of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of , *C.D.* of , and *E.F.* of , the Trustees of the said Society, in the Sum of to be paid to the said *A.B.*, *C.D.*, and *E.F.* as such Trustees, or their Successors Trustees for the Time being, or their certain Attorney, for which Payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our Heirs, Executors, and Administrators, firmly by these Presents sealed with our Seals. Dated the Day of in the Year of our Lord .

Whereas the above-bounden *A.B.* hath been duly appointed Treasurer [*or* Steward, *&c.*] of the Society, established as aforesaid, and he, together with the above-bounden *C.D.* and *G.H.* as his Sureties, have entered into the above-written Bond, subject to the Condition herein-after contained: Now, therefore, the Condition of the above-written Bond is such, that if the said *A.B.* shall and do justly and faithfully execute his Office of Treasurer [*or* Steward, *&c.*] of the said Society established as aforesaid, and shall and do render a just and true Account of all Monies received and paid by him, and shall and do pay over all the Monies remaining in his Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property of or belonging to the said Society in his Hands or Custody, to such Person or Persons as the said Society shall appoint, according to the Rules of the said Society, together with the proper or legal Receipts or Vouchers for such Payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his Office of Treasurer [*or* Steward, *&c.*] to the said Society according to the Rules thereof, then the above-written Bond shall be void and of no Effect; otherwise shall be and remain in full Force and Virtue.

Friendly Societies.

A

BILL

To consolidate and amend the Law relating to Friendly Societies.

(*Prepared and brought in by Mr. Sotheron, Mr. Bonham Carter, and Mr. Adderley.*)

Ordered, by The House of Commons, *to be Printed*, 26 *January* 1855.

[Bill 14.]

Under 4 *oz.*

Friendly Societies Bill.

[AS AMENDED BY THE COMMITTEE.]

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SCHEDULE.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

TO

Consolidate and amend the Law relating to Friendly Societies.

WHEREAS it would conduce to the Improvement of the Law relating to Friendly Societies if the several Statutes relating thereto were consolidated, and certain Additions and Alterations were made therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble.

I. That from and after the First Day of October in the Year One thousand eight hundred and fifty-five, the following Statutes, that is to say, the Thirty-third of George the Third, Chapter Fifty-four, the Thirty-fifth of George the Third, Chapter One hundred and eleven, the Forty-third of George the Third, Chapter One hundred and eleven, the Forty-ninth of George the Third, Chapter Fifty-eight, the Forty-ninth of George the Third, Chapter One hundred and twenty-five, the Fifty-ninth Repeal of former Acts, 33 G. 3. c. 54. 35 G. 3. c. 111. 43 G. 3. c. 111. 49 G. 3. c. 58. 49 G. 3. c. 125. 59 G. 3. c. 128. 6 G. 4. c. 74. 10 G. 4. c. 56.

2 W. 4. c. 37. 4 & 5 W. 4. c. 40. 3 & 4 Vict. c. 73. 9 & 10 Vict. c. 27. 13 & 14 Vict. c. 115. 15 & 16 Vict. c. 64. 16 & 17 Vict. c. 123. 17 & 18 Vict. c. 101.

of George the Third, Chapter One hundred and twenty-eight, the Sixth of George the Fourth, Chapter Seventy-four (so far as the same relates to Friendly Societies), the Tenth of George the Fourth, Chapter Fifty-sixth, the Second of William the Fourth, Chapter Thirty-seven, the Fourth and Fifth of William the Fourth, Chapter Forty, the Third and Fourth of Her present Majesty, Chapter Seventy-three, the Ninth and Tenth of Her present Majesty, Chapter Twenty-seven, the Thirteenth and Fourteenth of Her present Majesty, Chapter One hundred and fifteen, the Fifteenth and Sixteenth of Her present Majesty, Chapter Sixty-four, the Sixteenth and Seventeenth of Her present Majesty, Chapter One hundred and twenty-three, the Seventeenth and Eighteenth of Her present Majesty, Chapter One hundred and one, shall be and the same are hereby repealed, save and except as to any Offences committed, or Penalties or Liabilities incurred, or Bond or Security given, or Proceedings taken under the same before the Commencement of this Act.

Societies under former Acts to continue.

II. Provided nevertheless, That, notwithstanding the Repeal of the said several Statutes, every Friendly Society now subsisting, which heretofore had been formed and established under the said Acts or any of them, shall still be deemed to be and shall continue to be a subsisting Society, as fully as if this Act had not been made, unless and until such Society shall be dissolved, or united with some other Society as herein-after mentioned.

Their Rules to continue in force, and Enrolments to be sent to Registrar.

III. Provided also, That the Rules of every such subsisting Society hitherto formed and established, which have been hitherto confirmed, registered, or certified under the said Acts or any of them, shall be deemed valid and in force until the same shall be altered or rescinded as herein-after mentioned; and all Transcripts of any of such Rules which are now filed with the Rolls of the Sessions of the Peace of any County, Riding, or Division, shall be taken off the File, and shall be transmitted to the Registrar under this Act, to be by him kept in such Manner as shall be directed from Time to Time by One of Her Majesty's Secretaries of State in that Behalf.

All their Contracts, and all Bonds, &c. to them, to continue in force.

IV. Provided also, That all Contracts and Engagements by or with any of the said Societies now valid and in force, and all Bonds and Securities heretofore given by any Trustee, Treasurer, or other Officer of any such Society, shall continue and be valid and in force notwithstanding the Repeal of the said Acts.

Their Exemptions, Powers, and

V. All such subsisting Societies, whose Rules have heretofore been confirmed, registered, or certified under the said Acts or any of

of them, shall, so long as they shall not hereafter effect an Assurance to any Member thereof, or other Person, any Sum exceeding Two hundred Pounds or any Annuity exceeding Fifty Pounds per Annum, enjoy all the Exemptions and Privileges by this Act conferred on Societies to be established under the Provisions of this Act, as fully as if they had been registered and certified under this Act as herein-after mentioned. Privileges under this Act.

As to the Registrars, be it enacted, *Registrars.*

VI. For the Purposes of this Act there shall be Three Registrars of Friendly Societies, One for England, One for Scotland, and One for Ireland, who shall hold their respective Offices during the Pleasure of the Commissioners for the Reduction of the National Debt; and upon the Death, Resignation, or Removal of any One of them, the said Commissioners shall appoint another, being a Barrister in England or Ireland, and in Scotland an Advocate, of not less than Seven Years Standing, to the said Office. Registrars, how and by whom appointed.

VII. As to the present Registrar for England, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay him a Salary equal to that which has been paid to him yearly in each of the Three last Years, not exceeding One thousand Pounds per Annum, and to pay to any Registrar hereafter to be appointed for England a Salary not exceeding Eight hundred Pounds a Year, and to pay to the Registrars for Scotland and Ireland respectively a Salary such as the said Commissioners shall direct not exceeding One hundred and fifty Pounds a Year, every such Salary to be paid by Four equal quarterly Payments; and any of the said Registrars who shall be appointed, or who shall die, resign, or be removed from his Office, in the Interval between Two quarterly Days of Payment, shall be entitled to a proportionate Part of his Salary, and such Salaries and proportionate Parts of Salaries shall be paid out of such Monies as shall be provided by Parliament for that Purpose. Their Salaries.

VIII. The said Commissioners of Her Majesty's Treasury shall out of such Monies as may be provided by Parliament for the Purpose pay to the said Registrars respectively such Sum as will defray the Expenses allowed by the said Commissioners from Time to Time for Office Rent, Salaries of Clerks, Stationery, Computation of Tables, and for such other Expenses as may be incurred by them respectively. Their Expenses of Office, &c.

As to the Formation and Establishment of Friendly Societies hereafter, be it enacted, *As to Friendly Societies hereafter.*

IX. It shall be lawful for any Number of Persons, to the Number of Ten or more, to form and establish a Friendly Society, under the Provisions How and for what Purpose formed.

Provisions of this Act, for the Purpose of raising by voluntary Subscriptions of the Members thereof, with or without the Aid of Donations, a Fund for any of the following Objects; (that is to say,)

For Payments on Death.

1. For insuring a Sum of Money to be paid on the Birth of a Member's Child, or on the Death of a Member, his Wife, or Child:

For Relief in Sickness, &c.

2. For the Relief, Maintenance, or Endowment of the Members, their Husbands, Wives, Children, or Kindred, in old Age, Infancy, Sickness, or Widowhood:

For insuring from Fire, &c.

3. For insuring or making good any Loss or Damage of live or dead Stock, Goods, or Stock in Trade, Implements or Tools, which any Member shall sustain by Fire, Flood, Shipwreck, or any Contingency of which the Probability may be calculated by way of Average:

For the Investment of Savings.

4. For the frugal Investment of the Savings of the Members for better enabling them to purchase Food, Firing, Clothes, or other Necessaries, or the Tools, Implements, or Materials of their Trade or Calling, or to provide for the Education of their Children or Kindred: Provided, that the Shares in any such Investment Society shall not be transferable, and that the Investment of each Member shall accumulate or be employed for the sole Benefit of such Member investing, or of the Husband, Wife, Children, or Kindred of such Member, and that no Part thereof shall be appropriated to the Relief, Maintenance or Endowment of any other Person whomsoever, and that the whole Amount of the Balance due, according to the Rules of such Society, shall be paid to him or her on withdrawing from such Society:

To enable Party to emigrate.

5. For the Purpose of enabling any Member, or the Husband, Wife, or Children, or Nominee of any such Member, to emigrate:

For other Purpose authorized by the Commissioners.

6. For any Purpose which shall be authorized by Her Majesty's Attorney General in England or Ireland respectively, or in Scotland by the Lord Advocate, as a Purpose to which the Powers and Facilities of this Act ought to be extended:

Provided, that a Society established under this Act shall not assure the Payment of an Annuity exceeding Fifty Pounds per Annum, nor of a Sum payable on the Death of any Person, or on any other Contingency, exceeding Two hundred Pounds:

And if such Persons so intending to form and establish such Society shall frame Rules for the Government, Guidance, and Regulation of the same, and shall transmit the same to the Registrar aforesaid, and shall obtain his Certificate that the same are in conformity to Law as herein-after mentioned, then the said Society shall be deemed to be fully formed and established.

X. In

No Money to be paid on the Death of a Child without a Copy of Entry of the Registrar of Births and Deaths, nor to exceed 6*l.* if the Child is under Five Years of Age, nor 10*l.* if above Five and under Ten Years of Age.

X. In any Society in which a Sum of Money may be insured payable on the Death of a Child under Ten Years of Age, it shall not be lawful to pay any Sum on the Death of such Child, except upon Production of a Copy of the Entry in the Register of Births and Deaths, signed by the Registrar of the District in which the Child shall have died; and if such Entry shall state that the Cause of Death has not been certified by a qualified Medical Practitioner, or by a Coroner, a Certificate signed by a qualified Medical Practitioner, in the Form set forth in the Schedule of this Act, shall forthwith be procured, and it shall not be lawful in that Case to pay any Sum without such Certificate; and if any Trustee or Officer of any Society, upon an Insurance made after the passing of this Act, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society on the Death of a Child under the Age of Five Years to a Sum exceeding Six Pounds, or of a Child between Five and Ten Years to a Sum exceeding Ten Pounds, or shall pay any Sum without endorsing the Amount which he shall pay on the Back or at the Foot of the Copy of Entry signed by the Registrar, he shall be liable to a Penalty not exceeding Five Pounds for every such Offence, upon Conviction thereof before Two Justices of the County or Borough in which such Death shall have taken place: The Registrar shall be entitled to receive, upon Delivery of such Copy of Entry, a Fee of One Shilling, and it shall not be lawful for him to deliver more than One such Copy for such Purpose.

Benevolent Societies, in what Case entitled to the Benefits of this Act.

XI. And whereas many Provident, Benevolent, and Charitable Institutions and Societies are formed and may be formed for the Purpose of relieving the physical Wants and Necessities of Persons in poor Circumstances, or for improving the Dwellings of the Labouring Classes, or for granting Pensions, or for providing Habitations for the Members or other Persons elected by them, and it is expedient to afford some Protection to the Funds thereof: Be it enacted, That if Two written or printed Copies of the Rules of any such Institution or Society, and from Time to Time the like Copies of any Alterations or Amendments made in the same, signed by Three Members and the Secretary thereof, shall be transmitted to the Registrar aforesaid, such Registrar shall, if he shall find that the same are not repugnant to Law, give a Certificate to that Effect; and thereupon the following Sections of this Act, that is to say, the Twenty-second, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Fortieth, Forty-ninth, Fiftieth, Fifty-first, and Fifty-second, shall extend and be applicable to the said Institution and Society as fully as if the same were a Society established under this Act.

Statutes as to unlawful Oaths not to

XII. The Act of the Thirty-ninth of George the Third, Chapter Seventy-nine, and the Act of the Forty-seventh of George the Third,

extend to Societies under this Act or any repealed Acts.

Chapter Nineteen, and also the Act of the Fourteenth and Fifteenth of Her present Majesty, Chapter Forty-eight, relating to unlawful Oaths in Ireland, shall not extend to any Society established under this Act or any of the Acts hereby repealed, or to any Meeting of the Members or Officers thereof in which Society or at which Meeting no Business whatever is transacted other than that which directly and immediately relates to the Objects of the Society as declared in the Rules thereof, and set forth in the certified Copy thereof: Provided, that the Trustees or other Officers of the Society, when required under the Hands of Two of Her Majesty's Justices of the Peace, shall give full Information to such Justices of the Nature, Objects, Proceedings, and Practices of such Society, and in default thereof the Provisions of the Acts herein recited shall be in force in respect of such Society.

Societies, how dissolved.

XIII. It shall be lawful for the Members of any Society heretofore formed and established, or hereafter to be formed and established, at some Meeting thereof to be specially called in that Behalf, to dissolve or determine the same by Consent: Provided that no Society established under this or any Act relating to Friendly Societies shall be dissolved or determined without obtaining the Votes of Consent of Five Sixths in Value of the then existing Members thereof, including the honorary Members, if any, to be ascertained in manner herein-after mentioned, nor without the Consent of all Persons, if any, then receiving or then entitled to receive any Relief, Annuity, or other Benefit from the Funds thereof, to be testified under their Hands individually and respectively, unless the Claim of every such Person be first duly satisfied; and for the Purpose of ascertaining the Votes of such Five Sixths in Value of the Numbers as aforesaid, every Member shall be entitled to One Vote, and an additional Vote for every Five Years that he may have been a Member, but no One Member shall have more than Five Votes in the whole; and the intended Appropriation or Division of the Funds or other Property shall be fairly and distinctly stated in the Agreement for Dissolution prior to such Consent being given; and the Agreement for such Dissolution, duly signed as aforesaid, accompanied with a statutory Declaration by One of the Trustees, or by Three Members and the Secretary, taken before a Justice of the Peace, that the Provisions of the Act under which the Society was established have been complied with, shall be forthwith transmitted to the Registrar, to be by him deposited with the Rules of the Society, and such Agreement shall thereupon be an effectual Discharge at Law and in Equity to the Trustees, Treasurers, and other Officers of such Society, and shall operate as a Release from all the Members of the Society to such Trustees, Treasurers, and other Officers; and in the event of the Dissolution or Determination of any Society, or the Division or Appropriation of the Funds thereof, except in

in the Way herein-before provided, any Trustee or other Officer or Person aiding or abetting therein shall, on Conviction thereof by Two Justices, be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Term not exceeding Three Calendar Months, as to such Justices shall seem meet.

Societies may unite with others, or One Society may transfer its Engagement to another.

XIV. It shall be lawful for any Two or more Societies established under this or any of the Acts hereby repealed to unite and become incorporated in One Society, with or without any Dissolution or Division of the Funds of such Societies or either of them; or a Society formed and established under this Act or any of the said repealed Acts may be allowed to transfer its Engagements to any other Friendly Society, if any other such Society shall undertake to fulfil the Engagements of such Society, upon such Terms as shall be agreed upon by the major Part of the Trustees, and also of the Committee of Management of both Societies, or the Majority of the Members of each of such Societies at a General Meeting convened for the Purpose.

Minors may be elected.

XV. A Person under the Age of Twenty-one may be elected or admitted as a Member of any Society established under this Act or any of the Acts hereby repealed, the Rules of which do not prohibit such Election, and may and he is hereby empowered to execute all necessary Instruments and to give all necessary Acquittances: Provided always, that during his Nonage he shall not be competent to hold any Office of Director, Trustee, Treasurer, or Manager of such Society.

Meetings of the Society.

XVI. The Rules of every Friendly Society under this Act shall specify the Times and Places where the Members thereof shall hold their Meetings for the Purpose of conducting the Affairs of such Society; and it shall be lawful for the Trustee or Trustees for the Time being of any Friendly Society formed and established under this Act or under any of the Acts hereby repealed, with the Consent of a Majority of the Members thereof present at a Special or General Meeting of the Society, to purchase, build, hire, or take upon Lease any Building for the Purpose of holding such Meetings, and to adapt and furnish the same, and such Trustee or Trustees shall thereupon hold the same in trust for the Use of such Society; and, with the like Consent as aforesaid, such Trustee or Trustees may mortgage, sell, exchange, or let such Building or any Part thereof; and the Receipt in Writing of such Trustee, or One of such Trustees for the Time being, shall be a legal Discharge for the Money arising from such Mortgage, Sale, Exchange, or Letting; and no Mortgagee, Purchaser, Tenant, or Assignee shall be bound to inquire into or ascertain

Buildings for the Purpose may be purchased or leased.

or prove the Consent aforesaid, to verify his Title: Provided always, that any Building purchased or appropriated for the Purpose aforesaid already belonging to or in the Possession of any Friendly Society heretofore formed and established under the said repealed Acts or any of them may be holden and dealt with as if it had been acquired under this Act; and when any Society shall hereafter come under the Provisions of this Act, the Land or Buildings which may be vested in the Treasurer, Trustee, or other Officer thereof for the Time being shall thereupon vest in the Trustee or Trustees for the Time being of such Society, for the same Estate and Interest as the said Treasurer or other Officer may have therein, without any Conveyance or Assignment whatever.

Committee of Management.

XVII. It shall be lawful for the Members of any Society under this Act or under the said repealed Acts or any of them, or for a Majority of such Members present at any Meeting of the Society called specially for that Purpose, to nominate and appoint a Committee of General Management, to whom they may delegate all or any of the Powers of such Society relative to the Management thereof, or to the framing, amending, repealing, rescinding, or altering the Rules of such Society, or any of them.

As to the Appointment and Duties of Officers, and the Property of Societies, be it enacted,

Trustees, how appointed.

XVIII. Every Friendly Society to be formed and established under the Provisions of this Act shall, at some Meeting of its Members, and by a Resolution of a Majority of the Members then present, nominate and appoint One or more Person or Persons to be Trustee or Trustees for the said Society, and the like in the Case of any Vacancy in the said Office; and a Copy of the Resolution so appointing such Person or Persons to the Office of Trustee, and signed by such Trustee or Trustees and by the Secretary of the said Society, shall be sent to the Registrar, to be by him deposited with the Rules of the said Society in his Custody: Provided always, that where no Trustee shall have been appointed in any Society established under any One of the Acts hereby repealed, the Treasurer thereof, or other Person who has Custody of the Monies of such Society, shall be taken to be a Trustee, within the Meaning of this Act.

Property of the Society vested in them.

XIX. All Real and Personal Estate whatsoever belonging to any such Society shall be vested in such Trustee or Trustees for the Time being, for the Use and Benefit of such Society and the Members thereof, and the Real or Personal Estate of any Branch of a Society shall be vested in the Trustees of such Branch, and be exclusively under the Control of such Trustee or Trustees, their respective Executors

Executors or Administrators, according to their respective Claims and Interest, and upon the Death or Removal, Resignation, Refusal, or Inability of any such Trustee or Trustees the same shall vest in the succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Conveyance or Assignment whatsoever, save and except in the Case of Stocks and Securities in the Public Funds of Great Britain and Ireland, which shall be transferred into the Name or Names of such new Trustee or Trustees; and in all Actions or Suits or Indictments, or Summary Proceedings before Magistrates, touching or concerning any such Property, the same shall be stated to be the Property of the Person or Persons for the Time being holding the said Office of Trustee, in his or their proper Name or Names, without any further Description.

Actions, &c. by or against them.

XX. The Trustee or Trustees so appointed as aforesaid are hereby authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution in any Court of Law or Equity, touching or concerning the Property, Right, or Claim to Property of the Society for which he or they are such Trustee or Trustees as aforesaid; and such Trustee or Trustees shall and may, in all Cases concerning the Real or Personal Property of such Society, sue and be sued, plead and be impleaded, in any Court of Law or Equity, in his or their proper Name or Names, as Trustee or Trustees of such Society, without other Description; and no such Action, Suit, or Prosecution shall be discontinued or shall abate by the Death of such Person, or his Removal from the Office of Trustee, but the same shall and may be proceeded in by or against the succeeding Trustee or Trustees in the proper Name of the Person commencing or defending the same; and such succeeding Trustee or Trustees shall pay or receive the like Costs as if the Action or Suit or Prosecution had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Society.

Limitation of his Responsibility.

XXI. Provided nevertheless, That no Trustee or Trustees of any such Society shall be liable to make good any Deficiency which may arise or happen in the Funds of such Society, but shall be liable only for the Monies which shall be actually received by him on their Account.

Treasurers, how appointed.

XXII. Every Friendly Society to be established under this Act shall, by it Rules or at some Meeting of the Society called specially for that Purpose, and by a Majority of the Members then present, appoint One or more fit and proper Person or Persons to be Treasurer or Treasurers of such Society, and afterwards, so often as the Office

of Treasurer shall become vacant by Death or otherwise, they shall in like Manner appoint some fit and proper Person to the Office.

To give Security.

XXIII. The Treasurer of every such Society, and every Treasurer hereafter appointed in any Society established under any of the repealed Acts, shall, before he take upon himself the Execution of his Office, become bound, with One sufficient Surety or Guarantee, in a Bond according to the Form set forth in the Schedule to this Act, in such penal Sum as the Society or the Committee of Management shall direct and appoint, conditioned for his just and faithful Execution of his said Office of Treasurer, and for rendering a just and true Account of all Monies received or paid by him on account of the said Society at such Times as the Rules of the said Society shall direct and appoint, and at such Times as he shall be required so to do by the Trustee or Trustees of the said Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at any Meeting of such Society; and every such Bond shall be given to the Trustee or Trustees of the said Society for the Time being; and if the same shall at any Time become forfeited, it shall be lawful for such Trustee or Trustees for the Time being to sue upon such Bond for the Use of such Society; and in Scotland such Bond shall have the same Force and Effect as a Bond there in use duly attested and completed, and containing a Clause of Registration for Execution as well as for Preservation in the Books of Council and Session and other Judges Books competent, and shall be registered in such Books accordingly, with a view to Diligence.

Treasurer to account.

XXIV. Every such Treasurer at such Times as by the Rules of such Society he should render such Account as aforesaid, or upon being required so to do by the Trustee or Trustees of such Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at a Meeting of the said Society as aforesaid, shall within Seven Days thereafter render to the Trustee or Trustees of the Society, or to the said Committee of Management, or to the Members of such Society at a Meeting of the Society, a just and true Account of all Monies received and paid by him since he last rendered the like Account, and of the Balance then remaining in his Hands, which Account the said Trustee or Trustees or Committee of Management shall cause to be audited by some fit and proper Person or Persons by them to be appointed; and such Treasurer, if thereunto required, upon the said Account being audited, shall forthwith hand over to the said Trustee or Trustees the Balance which on such Audit shall appear to be due from him, and shall also, if required, hand over to such Trustee or Trustees all Securities

and

and Effects, Books, Papers, and Property of the said Society in his Hands or Custody; and if he fail to do so the Trustee or Trustees of the said Society may sue upon the Bond aforesaid, or may sue such Treasurer in the County Court of the District, or in any of the Superior Courts of Common Law, or in any other Court having Jurisdiction, for the Balance appearing to have been due from him upon the Account last rendered by him, and for all the Monies since received by him on account of the said Society, and for the Securities and Effects, Books, Papers, and Property in his Hands or Custody, leaving him to set off in such Action the Sums, if any, which he may have since paid on account of the said Society; and in such Action the said Trustee or Trustees shall be entitled to recover their full Costs of Suit, to be taxed as between Attorney and Client.

Property how recovered, if the Officer die, or become bankrupt or insolvent.

XXV. If any Person already appointed or employed or hereafter to be appointed or employed to or in any Office in any Friendly Society established under this Act or under any of the Acts hereby repealed, whether such Appointment or Employment was before or after the legal Establishment of such Society, and having in his Hands or Possession, by virtue of his Office, any Monies or Property whatsoever of such Society, or any Deeds or Securities belonging to such Society, shall die, or become bankrupt or insolvent, or have any Execution or Attachment or other Process issued against him or any Part of his Property, or shall have any Action or Diligence raised against his Lands, Goods, Chattels, or Effects, or Property or other Estate, heritable or moveable, or shall make any Assignment, Disposition, Assignation, or other Conveyance for the Benefit of his Creditors, the Heirs, Executors, Administrators, or Assignees of every such Officer, and every other Person having or claiming Right to the Property of such Officer, and the Sheriff or other Person executing such Process, and the Party using such Action or Diligence respectively, shall, upon Demand in Writing made by the Treasurer or by the Trustee or any Two of the Trustees of such Society, or any Person appointed at some Meeting of the Society to make such Demand, deliver and pay over all such Monies, Property, Deeds, and Securities belonging to such Society to such Person as such Treasurer or Trustees shall appoint, and shall pay, out of the Estate, Assets, or Effects, heritable or moveable, of such Officer, all Sums of Money due which such Officer shall have received, before any other of his Debts are paid, and before any other Claims upon him shall be satisfied, and before the Money directed to be levied by such Process as aforesaid, or which may be recovered or recoverable under such Diligence, is paid over to the Party issuing such Process or using such Diligence; and the Claims aforesaid of such Society shall be a primary Lien upon the Property of such Officer, and all his Assets,

Lands, Goods, Chattels, Property, Estates, and Effects shall be bound to the Payment, Discharge, and Satisfaction of such Claims.

Rules to be made.

As to the Rules of Societies, be it enacted,

XXVI. Before any Friendly Society shall be established under this Act, the Persons intending to establish the same shall agree upon and frame a Set of Rules for the Regulation, Government, and Management of such Society, and in such Rules they shall, amongst other things, make Provision for the altering, amending, and rescinding the said Rules or any of them, and for making new Rules, when it shall be deemed necessary, and for imposing reasonable Fines and Forfeitures on any Member of such Society who shall offend against the said Rules or any of them, and for appointing a General Committee of Management of such Society, and delegating to such Committee all or any of the Powers given by this Act to the Members of Friendly Societies formed or established under or by virtue of the same; and such Rules shall set forth,

1. The Name and Place of Business of the Society:
2. The whole of the Objects for which the Society is to be established, the Purposes for which the Funds thereof shall be applicable, including the Expenses of Management, and the Conditions under which any Member may become entitled to any Benefit assured thereby:
3. The Manner of making Rules, altering, amending, and rescinding any Rules:
4. A Provision for the Appointment of a Trustee or Trustees, Treasurer, and Officers to prepare Returns required by this Act:
5. For an annual or periodical Audit of Accounts:
6. The Manner in which Disputes between the Society and any of its Members, or any Person claiming by or through any Member, shall be settled:

And the Rules of every such Society shall provide that all Monies received or paid on account of each and every particular Fund or Benefit assured to the Members thereof, their Husbands, Wives, Children, or Kindred, for which a separate Table of Contributions payable shall have been adopted, shall be entered in a separate Account, distinct from the Monies received and paid on account of any other Benefit or Fund.

Copies to be sent to the Registrar.

XXVII. Two printed or written Copies of such Rules, signed by Three of the intended Members, shall be transmitted to the Registrar aforesaid,

aforesaid, and if the Registrar shall find that such Rules are in conformity with Law and with the Provisions of this Act, he shall give a Certificate in the Form set forth in the Schedule to this Act, and shall return One of the said Copies to the said Society, and shall keep the other in such Manner as shall from Time to Time be directed by One of Her Majesty's Principal Secretaries of State, and for which Certificate no Fee shall be payable to the said Registrar; and all Rules so certified as aforesaid shall be binding on the several Members of the said Society: Provided always, that it shall not be lawful for the said Registrar to grant any such Certificate to a Society assuring to any Member thereof a certain Annuity or Superannuation, deferred or immediate, unless the Tables of Contributions payable for such kind of Assurance shall have been certified by an Actuary of some Life Assurance Company established in London, Edinburgh, or Dublin, who shall have exercised the Profession of Actuary for at least Five Years, and such Certificate be transmitted to the Registrar, together with the Copies of the Rules aforesaid.

and his Certificate obtained.

Actuary's Certificate to be sent with the Copies in case of Tables of Annuities.

XXVIII. After the Rules of a Friendly Society shall have been so certified by the Registrar as aforesaid, it shall be lawful for such Society, by Resolution at a Meeting specially called for that Purpose, to alter, amend, or rescind the same or any of them, or to make new Rules; and it shall be lawful for any Friendly Society formed and established under any of the Acts hereby repealed to alter, amend, or rescind the Rules by which their Society is governed, regulated, or managed, or to make new Rules: Provided always, that Two printed or written Copies of the proposed Alterations or Amendments, and of such new Rules, signed by Three Members of such Society, and the Secretary or other Officer, shall be transmitted to the said Registrar, to One of which shall be attached a Declaration by the Secretary or One of the Officers of such Society, that in making the same the Rules of such Society respecting the making, altering, amending, and rescinding Rules have been duly complied with; and if the said Registrar shall find that such Alterations, Amendments, or new Rules are in conformity with Law and with the Provisions of this Act, he shall give to the Society a Certificate in the Form set forth in the Schedule to this Act, and return One of the Copies to the Society, and shall keep the other, with the Rules of such Society, in his Custody, and for which Certificate no Fee shall be payable to the said Registrar; and all Rules, Alterations, and Amendments, when so certified as aforesaid, shall be binding on the several Members of the said Society; but unless and until the same shall be so certified as aforesaid such Rules, Alterations, and Amendments shall have no Force or Validity whatsoever.

Rules may be altered, amended, rescinded, or new Rules made.

Tables for Annuities to be certified by an Actuary.

Old Societies may have their Rules certified under this Act.

XXIX. Any Friendly Society established under the said repealed Acts or any of them may come under the Provisions of this Act, by having its Rules certified in manner aforesaid; and thereupon the Provisions of the Act or Acts under which such Society may have been enrolled or certified shall no longer be applicable to such Society, save as to Offences committed, or Penalties or Liabilities incurred, or Bond or Security given, or Proceedings taken before such Society shall have its Rules so certified under this Act.

When Place of Meeting is altered, Notice to be sent to Registrar.

XXX. Whenever any Friendly Society established under this Act or under any of the Acts hereby repealed shall change its Place of Business, written Notice of such Change, under the Hands of Two of the Trustees or Three Members, shall, within Fourteen Days thereafter, be sent to the said Registrar.

Circulating false Copies of Rules, &c. a Misdemeanor.

XXXI. If any Person shall give to any Member of a Friendly Society established under this Act or under any of the said repealed Acts, or to any Person intending or applying to become a Member of such Society, a Copy of any Rules, or of any Alterations or Amendments of the same, other than those respectively which have been enrolled or certified by the Registrar, under colour that the same are binding upon the Members of such Society, or shall make any Alterations in or Addition to any of the Rules or Tables of such Society after they shall have been respectively enrolled or certified by the Registrar, and shall circulate the same, purporting that they have been duly enrolled or certified under this or any of the said repealed Acts, when in fact they have not been so duly enrolled or certified, every Person so offending shall be deemed guilty of a Misdemeanor.

Rules, how received in Evidence.

XXXII. All Rules and Tables of any Society established under this Act or any of the said repealed Acts, and all Alterations and Amendments thereof, and all Copies thereof or Extracts therefrom, and all Writings and Documents relating to a Friendly Society, and purporting to be signed by the Registrar, shall, in the Absence of any Evidence to the contrary, be received in all Courts of Law and Equity, and elsewhere, without Proof of the Signature thereto.

And as to Receipts and Payments by Societies, be it enacted:

On Death of Member, Sum under 50*l.* may be paid without Administration.

XXXIII. When, on the Death of any Member of any Society established under this Act or any of the said repealed Acts, any Sum not exceeding Fifty Pounds shall become payable, it shall be lawful for the Trustee or Trustees of such Society for the Time being

being, if he or they shall be satisfied that no Will was made or left by such deceased Member, and that no Letters of Administration or Confirmation will be taken out of the Funds, Goods, and Chattels of such deceased Member, to pay the said Sum to the Person nominated in Writing signed by the deceased Member and deposited with the Secretary, being the Husband, Wife, Father, Mother, Child, Brother or Sister, Nephew or Niece of such Member, or in case there shall be no such Nomination, then to pay and divide the same to and amongst the Person or Persons whom he or they shall judge to be entitled to the Effects of the Deceased, without taking out Letters of Administration in England or Ireland, and without Confirmation in Scotland: Provided, that wherever the Trustee or Trustees of any such Society, after the Decease of any Member thereof, shall have paid and divided any such Sum of Money to or amongst any Person or Persons who shall at the Time of such Payment appear to such Trustee or Trustees to be entitled to the Effects of any deceased Member who has died intestate, the Payment of any such Sum shall be valid and effectual with respect to any Demand from any other Person or Persons as next of Kin of such deceased Member, or as the lawful Representative or Representatives of such Member, against the Funds of such Society or against the Trustees thereof; but nevertheless such next of Kin or Representative shall have his or her lawful Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Indemnity to Trustees.

XXXIV. The Trustee or Trustees of every Friendly Society established under this Act or any of the said repealed Acts may from Time to Time, with the Consent of the Committee of Management of such Society, or of a Majority of the Members of such Society present at a General or Special Meeting thereof, or in accordance with the Rules of such Society, invest the Funds of such Society, or any Part thereof, to any Amount, in any Savings Bank, or in the Public Funds, or with the Commissioners for the Reduction of the National Debt, as herein-after mentioned, or in such other Security as the Rules of such Society may direct, not being the Purchase of House or Land (save and except the Purchase of Buildings wherein to hold the Meetings or transact the Business of such Society, as herein-before mentioned,) and not being the Purchase of Shares in any Joint Stock Company or other Company, with or without Charter of Incorporation, and not being mere personal Security.

Funds, how invested.

XXXV. Every Friendly Society established under this Act, and every Friendly Society established under the said repealed Acts, which does not assure the Payment in any Event of a Sum exceeding Two hundred Pounds, or an Annuity exceeding Thirty Pounds per Annum

Funds may be invested with the Commissioners of the National Debt.

Annum, may pay any Sum of Money not less than Fifty Pounds into the Bank of England, to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Trustee or of the Trustees, or any Two or more of them, that such Monies belong exclusively to the said Society; and the Cashier of the Bank of England is hereby required to receive all such Monies, and to place the same to the Account raised in the Name of the said Commissioners in the Book of the Bank, named "The Fund for Friendly Societies;" and if such Declaration shall not be true, then and in every such Case the Sum of Money so paid in on such Declaration shall be forfeited to the said Commissioners, and shall be applied by them in the Manner directed by any Act or Acts for the Time being in force relating to Savings Banks with respect to the Account of such Banks; and the Regulation of Receipts, Certificates, or Orders concerning Saving Banks shall be deemed applicable to Monies paid in as aforesaid under the Authority of this Act, as if the same had been herein repeated; and every such Society, on paying Money directly into the Bank as aforesaid, shall be entitled to receive Receipts bearing Interest at the Rate of Twopence per Centum per Diem: Provided, that every Society which shall deposit any Part of its Funds in any Savings Bank, or with the Commissioners for Reduction of the National Debt, shall furnish to the said Commissioners from Time to Time such Accounts as they may require in reference to the Funds so deposited.

Re-depositing of Money withdrawn.

XXXVI. Where any Friendly Society shall withdraw Money invested by them with the Commissioners for the Reduction of the National Debt, such Society shall not be entitled to re-deposit the same with the said Commissioners without the Consent of the said Commissioners, or of the Comptroller General or Assistant Comptroller under them.

Transfer of Stock.

XXXVII. Whenever it shall happen that any Person in whose Name any Part of the several Stocks, Annuities, and Funds transferable at the Bank of England or Ireland, or in the Books of the Governor and Company of the Bank of England, is or shall be standing as a Trustee for any such Society, shall be out of England, or Ireland, or Scotland, respectively, or shall have been removed from his Office of Trustee, or shall be a Bankrupt, Insolvent, or Lunatic, or it shall be unknown whether such Trustee is living or dead, it shall be lawful for the Registrar, upon Proof thereof, and after receiving an Application in Writing from the Secretary of the Society and Three Members thereof, to direct the Accountant General or other proper Officer for the Time being of the said Governor and Company of the Bank of England to transfer in the Books of the said Company such Stocks, Annuities, or

Funds

Funds standing as aforesaid into the Name of the Trustee who shall be newly appointed, and to pay to him from Time to Time the Dividends thereof; and if One of Two or more such Trustees shall die, or be removed from his Office of Trustee, or become bankrupt or insolvent, it shall be lawful for the Registrar, on the like Application, to direct that the other or others of the Trustees shall transfer such Stock, Annuities, or Funds into the Name of such Person as may have been appointed in his Stead, jointly with the continuing Trustee or Trustees.

Power of Attorney, &c. not liable to Stamp Duty.

XXXVIII. No Copy of Rules, nor Power, Warrant, or Letter of Attorney granted by any Person as Trustee of any Society established under this Act or any of the Acts hereby repealed, for the Transfer of any Share in the Public Funds standing in the Name of such Trustee, nor any Order or Receipt for Money contributed to or received from the Funds of any such Society, by any Person liable or entitled to pay or receive the same by virtue of the Rules thereof or of this Act, nor any Bond to be given to or on account of any such Society, or by the Treasurer or any Officer thereof, nor any Draft or Order, nor any Form of Policy, nor any Appointment of any Agent, nor any Certificate or other Instrument for the Revocation of any such Appointment, nor any other Document whatever required or authorized by or in pursuance of this Act or the Rules of any Society, shall be liable to Stamp Duty: Provided, that no Exemption from any of the Duties granted by any Act or Acts relating to Stamp Duties shall be deemed to extend to any Society which shall assure the Payment of Money exceeding One hundred Pounds, or which shall assure the Payment of any Money on the Death of a Member to any Person, except Executors, Administrators, or Assigns of such Member or Persons recited in the Thirty-third Section of this Act, and nominated as therein mentioned.

Limitation of Exemptions to Societies not assuring above 100*l.*

Trustees may subscribe to a Hospital or Provident Institution.

XXXIX. The Trustees of such Society may, out of the Funds thereof, subscribe to any Hospital, Infirmary, Charitable or other Provident Institution such Annual or other Sum as may be agreed upon by the Committee of Management, or by a Majority of the Members, in consideration of any Member of such Society, his Wife, Child, or Relative, being eligible to receive the Benefits of such Hospital or other Institution, according to the Rules thereof.

As to the Determination of Disputes between Friendly Societies and their Members and others, be it enacted:

As to the Determination of Disputes according to the Rules.

XL. Every Dispute between any Member or Members of any Society established under this Act or any of the Acts hereby repealed, or any Person claiming through or under a Member, and

and the Trustee, Treasurer, or other Officer, or the Committee thereof, shall be decided in manner directed by the Rules of such Society, and the Decision so made shall be binding and conclusive on all Parties, without Appeal: Provided, that if the Rules shall direct that Disputes shall be settled by Arbitration, One Arbitrator shall be chosen by the Society and One by the Party complaining, and these Two shall appoint an Umpire; and if either of the said Parties shall refuse or neglect to comply with or conform to the Decision, or if no Decision shall be made within Three Months after Complaint made to the Secretary of the Society, or if the Rules shall direct Disputes to be settled by Justices, then in any of the said Cases any Two Justices of the Peace of the County, Riding, or Borough in which the usual or principal Place of Business of the Society shall be situate may enforce such Decision, or hear and determine such Dispute, as the Case may be, and make an Order thereupon for Payment of Money, if they shall think fit, and shall have the same Powers to enforce such Order as is herein-before enacted for the Punishment of Fraud.

In what Cases by the County Court.

XLI. In all Friendly Societies formed and established under this Act or any of the said repealed Acts, all Applications for the Removal of any Trustee, or any other Relief, Order, or Direction by reason of the Misapplication of the Funds of such Society, and all Disputes that may arise in any Society the Rules of which do not prescribe any other Mode of settling such Disputes, shall be made to the County Court of the District within which the usual or principal Place of Business of the Society shall be situate, and such Court shall, upon the Application of any Person interested in the Matter, entertain such Application, and give such Relief, and make such Orders and Directions in relation to the Matter of such Application, as herein-after mentioned, or as may now be given or made by the Court of Chancery in respect either of its ordinary or its special or statutory Jurisdiction; and the Decision of such County Court upon and in relation to such Application as aforesaid shall not be subject to any Appeal: Provided always, that in Scotland the Sheriff within his County, and in Ireland the Assistant Barrister within his District, shall have the same Jurisdiction as is hereby given to the Judge of a County Court.

Order of County Court, how enforced.

XLII. In all Cases where the Order of such County Court shall be for the Payment of Money, the same may be enforced in the same Manner as the ordinary Judgments of such Court are enforced; but where the Order of the said Court shall be for the doing of some Act, not being for the Payment of Money, it shall be lawful for the Judge of such County Court in his said Order to order the Party to do such Act, or that in default of his doing it he shall pay a certain Sum of Money; and in case he refuse or neglect to do the Act required

required, upon Demand in that Behalf, the Sum of Money or Penalty in the said Order may then be recovered in the same Manner as a Judgment for Debt or Damages in such Court: and it shall not be lawful to remove the same by Certiorari or other Writ or Process to any Superior Court of Record.

Lord Chancellor may make Orders for regulating the Proceedings in this respect.

XLIII. Provided, however, That the Lord Chancellor may make such Orders for regulating the Proceedings by and before the Judges of County Courts under this Act as he may think fit; and in Scotland the Court of Session shall have the like Power by Act of Sederunt as regards Proceedings before Sheriffs under this Act; and, subject to such Orders and Acts of Sederunt respectively, such Judges and Sheriffs may regulate the Proceedings before them respectively so as to render them as summary and inexpensive as conveniently may be.

In the Case of Societies whose Rules are not certified, Disputes between the Society and its own Members to be settled as in Cases of certified Societies.

XLIV. In the Case of any Friendly Society established for any of the Purposes mentioned in Clause XII. of this Act having written or printed Rules, but whose Rules have not been sent to the Registrar and certified by him, every Dispute between any Member or Members of such Society, and the Trustees, Treasurer, or other Officer, or the Committee of such Society, shall be decided in manner herein-before provided with respect to Disputes, and the Decision thereof, in the Case of Societies to be established under this Act, and the Clauses in this Bill provided for such Decision shall be applicable to such unregistered Societies: Provided always, that nothing herein contained shall be construed to confer on any such Society, whose Rules shall not have been sent to and certified by the Registrar, or any or the Members or Officers of such Society, any of the Powers, Exemptions, or Facilities of this Act, save and except as in and by this Section is expressly provided.

As to Returns to be made by Societies, be it enacted:

Returns to the Commissioners, when and how.

XLV. The Trustees of Friendly Societies established under this Act or under any of the repealed Acts, or the Officer thereof appointed to prepare Returns, shall, once in every Year, transmit to the Registrar a General Statement of the Funds and Effects of such Society during the past Twelve Months, or a Copy of the last annual Report of such Society, and shall also, within Three Months after the Expiration of the Month of December One thousand eight hundred and fifty-five, and so again within Three Months after the Expiration of every Five Years succeeding, transmit to the said Registrar a Return of the Rate or Amount of Sickness and Mortality experienced by such Society within the preceding Five Years, in such Form as shall be prepared by the said Registrar, and an Abstract of the same

shall be laid before Parliament; and if in any Year such Statement shall not be transmitted as aforesaid the Registrar shall give Notice thereof to the Trustees of such Society; and if, after such Notice, such Statement shall not be transmitted within Three Months next following, or if any fraudulent or wilfully false Return shall be transmitted, such Trustees shall be and are hereby declared to be incapable of prosecuting any Action or Suit in any Court of Law or Equity on behalf of such Society until they shall have duly made such Return as aforesaid.

Interpretation Clause.

XLVI. The following Words herein-after named are herein used and applied in the Manner following respectively; namely, the Words "Justice of the Peace" shall mean a Justice of the Peace for the County, Riding, Division, Borough, City, Liberty, or Place in which the Place of Meeting of the Society shall be situate according to the Rules, or the County, Riding, Division, Borough, City, Liberty, or Place adjacent thereto, or in which the Offender shall reside; the Word "Registrar" shall mean the Registrar of Friendly Societies in England, Scotland, or Ireland, as the Case may be; the Word "County Court" shall mean every County Court holden or established, or to be holden or established, under the Act of the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, or any Act or Acts passed or to be passed for the Alteration or Extension of the same Act, and every Judge of any such Court; and the Word "Society" shall extend to and include every Branch of a Society, by whatever Name it may be designated; and the Words "Committee of Management" shall mean the Body of Members appointed to manage and direct the Affairs of the Society, by whatever Name such Body may be called; and the Word "Secretary" shall mean the Clerk or Person who keeps the Accounts of the Society.

Extension of Act.

XLVII. This Act shall extend to Great Britain, Ireland, and Berwick-upon-Tweed, and the Isles of Jersey, Guernsey, Alderney, Sark, and Man.

SCHE-

SCHEDULE referred to by the foregoing Act.

Form of Registrar's Certificate to Rules of Friendly Societies.

I hereby certify, That these Rules [*or* new Rules, *or* Alterations of Rules,] are in conformity to Law.

A. B.,
The Registrar of Friendly Societies in England
[Ireland *or* Scotland].
Day of

Form of Certificate of Medical Practitioner.

I hereby certify, That
aged Years, late of
died on the Day of and that I consider the probable Cause of his *or* her Death to have been

(Signed) *Profession.*
Residence.

Day of .

Form of Bond.

Know all Men by these Presents, That we *A.B.* of Treasurer [*or* Steward, *&c.*] of the Society, established at in the County of and *C.D.* of and *G.H.* of (as Sureties on behalf of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of , *C.D.* of , and *E.F.* of , the Trustees of the said Society, in the Sum of to be paid to the said *A.B.*, *C.D.*, and *E.F.* as such Trustees, or their Successors Trustees for the Time being, or their certain Attorney, for which Payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and

each of our Heirs, Executors, and Administrators, firmly by these Presents sealed with our Seals. Dated the Day of in the Year of our Lord .

Whereas the above-bounden *A.B.* hath been duly appointed Treasurer [*or* Steward, *&c.*] of the Society, established as aforesaid, and he, together with the above-bounden *C.D.* and *G.H.* as his Sureties, have entered into the above-written Bond, subject to the Condition herein-after contained: Now, therefore, the Condition of the above-written Bond is such, that if the said *A.B.* shall and do justly and faithfully execute his Office of Treasurer [*or* Steward, *&c.*] of the said Society established as aforesaid, and shall and do render a just and true Account of all Monies received and paid by him, and shall and do pay over all the Monies remaining in his Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property of or belonging to the said Society in his Hands or Custody, to such Person or Persons as the said Society shall appoint, according to the Rules of the said Society, together with the proper or legal Receipts or Vouchers for such Payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his Office of Treasurer [*or* Steward, *&c.*] to the said Society according to the Rules thereof, then the above-written Bond shall be void and of no Effect; otherwise shall be and remain in full Force and Virtue.

Friendly Societies.

A

BILL

[AS AMENDED BY THE COMMITTEE]

To consolidate and amend the Law relating to Friendly Societies.

(Prepared and brought in by Mr. Sotheron, Mr. Bonham Carter, and Mr. Adderley.)

Ordered, by The House of Commons, *to be Printed,* 14 *March* 1855.

[Bill 57.]

Under 3 oz.

Friendly Societies Bill.

[AS AMENDED BY THE COMMITTEE AND ON RECOMMITMENT.]

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SECT.
XXXIX. Power of Attorney, &c. not liable to Stamp Duties; Limitation of Exemptions to Societies not assuring above 100*l.*
XL. CLAUSE C. No Member to receive more than 200*l.*, or 50*l.* a Year, from any Number of Societies.
XLI. Trustees may subscribe to Hospital or other Provident Institution.

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SCHEDULE.

A

B I L L

[AS AMENDED BY THE COMMITTEE AND ON RE-COMMITMENT]

TO

Consolidate and amend the Law relating to Friendly Societies.

[Note.—*The Clauses marked* A. B. *and* C. *were added on Re-commitment.*]

Preamble.

WHEREAS it would conduce to the Improvement of the Law relating to Friendly Societies if the several Statutes relating thereto were consolidated, and certain Additions and Alterations were made therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Repeal of former Acts, 33 G. 3. c. 54, 35 G. 3. c. 111, 43 G. 3. c. 111, 49 G. 3. c. 58, 49 G. 3. c. 125, 59 G. 3. c. 128, 6 G. 4. c. 74, 10 G. 4. c. 56.

I. That from and after the First Day of October in the Year One thousand eight hundred and fifty-five, the following Statutes, that is to say, the Thirty-third of George the Third, Chapter Fifty-four, the Thirty-fifth of George the Third, Chapter One hundred and eleven, the Forty-third of George the Third, Chapter One hundred and eleven, the Forty-ninth of George the Third, Chapter Fifty-eight, the Forty-ninth of George the Third, Chapter One hundred and twenty-five, the Fifty-ninth of George the Third, Chapter One hundred and twenty-eight, the

2 W. 4. c. 37.
4 & 5 W. 4. c. 40.
3 & 4 Vict. c. 73.
9 & 10 Vict. c. 27.
13 & 14 Vict. c. 115.
15 & 16 Vict. c. 64.
16 & 17 Vict. c. 123.
17 & 18 Vict. c. 101.

Sixth of George the Fourth, Chapter Seventy-four (so far as the same relates to Friendly Societies), the Tenth of George the Fourth, Chapter Fifty-sixth, the Second of William the Fourth, Chapter Thirty-seven, the Fourth and Fifth of William the Fourth, Chapter Forty, the Third and Fourth of Her present Majesty, Chapter Seventy-three, the Ninth and Tenth of Her present Majesty, Chapter Twenty-seven, the Thirteenth and Fourteenth of Her present Majesty, Chapter One hundred and fifteen, the Fifteenth and Sixteenth of Her present Majesty, Chapter Sixty-four, the Sixteenth and Seventeenth of Her present Majesty, Chapter One hundred and twenty-three, the Seventeenth and Eighteenth of Her present Majesty, Chapter One hundred and one, shall be and the same are hereby repealed, save and except as to any Offences committed, or Penalties or Liabilities incurred, or Bond or Security given, or Proceedings taken under the same before the Commencement of this Act.

Societies under former Acts to continue.

II. Provided nevertheless, That, notwithstanding the Repeal of the said several Statutes, every Friendly Society now subsisting, which heretofore had been formed and established under the said Acts or any of them, shall still be deemed to be and shall continue to be a subsisting Society, as fully as if this Act had not been made, unless and until such Society shall be dissolved, or united with some other Society as herein-after mentioned.

Their Rules to continue in force, and Enrolments to be sent to Registrar.

III. Provided also, That the Rules of every such subsisting Society hitherto formed and established, which have been hitherto confirmed, registered, or certified under the said Acts or any of them, shall be deemed valid and in force until the same shall be altered or rescinded as herein-after mentioned; and all Transcripts of any of such Rules which are now filed with the Rolls of the Sessions of the Peace of any County, Riding or Division, City or Borough, Liberty or Place, shall be taken off the File, and shall be transmitted to the Registrar under this Act, to be by him kept in such Manner as shall be directed from Time to Time by One of Her Majesty's Secretaries of State in that Behalf.

All their Contracts, and all Bonds, &c. to them, to continue in force.

IV. Provided also, That all Contracts and Engagements by or with any of the said Societies now valid and in force, and all Bonds and Securities heretofore given by any Trustee, Treasurer, or other Officer of any such Society, shall continue and be valid and in force notwithstanding the Repeal of the said Acts.

Their Exemptions, Powers, and

V. All such subsisting Societies, whose Rules have heretofore been confirmed, registered, or certified under the said Acts or any of

of them, shall, so long as they shall not hereafter effect an Assurance to any Member thereof, or other Person, any Sum exceeding Two hundred Pounds or any Annuity exceeding Fifty Pounds per Annum, enjoy all the Exemptions and Privileges by this Act conferred on Societies to be established under the Provisions of this Act, as fully as if they had been registered and certified under this Act as herein-after mentioned. Privileges under this Act.

As to the Registrars, be it enacted, *Registrars.*

VI. For the Purposes of this Act there shall be Three Registrars of Friendly Societies, One for England, One for Scotland, and One for Ireland, who shall hold their respective Offices during the Pleasure of the Commissioners for the Reduction of the National Debt; and upon the Death, Resignation, or Removal of any One of them, the said Commissioners shall appoint another, being a Barrister in England or Ireland, and in Scotland an Advocate, of not less than Seven Years Standing, to the said Office. Registrars, how and by whom appointed.

VII. As to the present Registrar for England, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay him a Salary equal to that which has been paid to him yearly in each of the Three last Years, not exceeding One thousand Pounds per Annum, and to pay to any Registrar hereafter to be appointed for England a Salary not exceeding Eight hundred Pounds a Year, and to pay to the Registrars for Scotland and Ireland respectively a Salary such as the said Commissioners shall direct not exceeding One hundred and fifty Pounds a Year, every such Salary to be paid by Four equal quarterly Payments; and any of the said Registrars who shall be appointed, or who shall die, resign, or be removed from his Office, in the Interval between Two quarterly Days of Payment, shall be entitled to a proportionate Part of his Salary, and such Salaries and proportionate Parts of Salaries shall be paid out of such Monies as shall be provided by Parliament for that Purpose. Their Salaries.

VIII. The said Commissioners of Her Majesty's Treasury shall out of such Monies as may be provided by Parliament for the Purpose pay to the said Registrars respectively such Sum as will defray the Expenses allowed by the said Commissioners from Time to Time for Office Rent, Salaries of Clerks, Stationery, Computation of Tables, and for such other Expenses as may be incurred by them respectively. Their Expenses of Office, &c.

As to the Formation and Establishment of Friendly Societies hereafter, be it enacted, *As to Friendly Societies hereafter.*

IX. It shall be lawful for any Number of Persons, to form and establish a Friendly Society, under the Provisions of this Act, for the How and for what Purpose formed.

the Purpose of raising by voluntary Subscriptions of the Members thereof, with or without the Aid of Donations, a Fund for any of the following Objects; (that is to say,)

For Payments on Death.

1. For insuring a Sum of Money to be paid on the Birth of a Member's Child, or on the Death of a Member, his Wife, or Child:

For Relief in Sickness, &c.

2. For the Relief, or Maintenance, of the Members, their Husbands, Wives, Children, or Kindred, in old Age, Sickness, or Widowhood, or their Endowment at any Age:

For other Purpose authorized by the Commissioners.

3. For any Purpose which shall be authorized by One of Her Majesty's Principal Secretaries of State, or in Scotland by the Lord Advocate, as a Purpose to which the Powers and Facilities of this Act ought to be extended:

Provided, that a Society established under this Act shall not assure the Payment of an Annuity exceeding Fifty Pounds per Annum, nor of a Sum payable on the Death of any Person, or on any other Contingency, exceeding Two hundred Pounds:

And if such Persons so intending to form and establish such Society shall frame Rules for the Government, Guidance, and Regulation of the same, and shall transmit the same to the Registrar aforesaid, and shall obtain his Certificate that the same are in conformity to Law as herein-after mentioned, then the said Society shall be deemed to be fully formed and established.

No Money to be paid on the Death of a Child without a Copy of Entry of the Registrar of Births and Deaths, nor to exceed 6*l.* if the Child is under Five Years of Age, nor 10*l.* if above Five and under Ten Years of Age.

X. In any Society in which a Sum of Money may be insured payable on the Death of a Child under Ten Years of Age, it shall not be lawful to pay any Sum on the Death of such Child, except upon Production of a Copy of the Entry in the Register of Births and Deaths, signed by the Registrar of the District in which the Child shall have died; and if such Entry shall state that the Cause of Death has not been certified by a qualified Medical Practitioner, or by a Coroner, a Certificate signed by a qualified Medical Practitioner, in the Form set forth in the Schedule of this Act, shall forthwith be procured, and it shall not be lawful in that Case to pay any Sum without such Certificate; and if any Trustee or Officer of any Society, upon an Insurance made after the passing of this Act, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society on the Death of a Child under the Age of Five Years to a Sum exceeding Six Pounds, or of a Child between Five and Ten Years to a Sum exceeding Ten Pounds, or shall pay any Sum without endorsing the Amount which he shall pay on the Back or at the Foot of the Copy of Entry signed by the Registrar, he shall be liable to a Penalty not exceeding Five Pounds for every such Offence, upon Conviction thereof before Two Justices of the County

County or Borough in which such Death shall have taken place: The Registrar shall be entitled to receive, upon Delivery of such Copy of Entry, a Fee of One Shilling, and it shall not be lawful for him to deliver more than One such Copy for such Purpose.

Benevolent Societies, in what Case entitled to the Benefits of this Act.

XI. And whereas many Provident, Benevolent, and Charitable Institutions and Societies are formed and may be formed for the Purpose of relieving the physical Wants and Necessities of Persons in poor Circumstances, or for improving the Dwellings of the Labouring Classes, or for granting Pensions, or for providing Habitations for the Members or other Persons elected by them, and it is expedient to afford some Protection to the Funds thereof: Be it enacted, That if Two written or printed Copies of the Rules of any such Institution or Society, and from Time to Time the like Copies of any Alterations or Amendments made in the same, signed by Three Members and the Secretary thereof, shall be transmitted to the Registrar aforesaid, such Registrar shall, if he shall find that the same are not repugnant to Law, give a Certificate to that Effect; and thereupon the following Sections of this Act, that is to say, the Twenty-second, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-sixth, Forty-second, Forty-third, and Forty-fourth, shall extend and be applicable to the said Institution and Society as fully as if the same were a Society established under this Act.

Statutes as to unlawful Oaths not to extend to Societies under this Act or any repealed Acts.

XII. The Act of the Thirty-ninth of George the Third, Chapter Seventy-nine, and the Act of the Forty-seventh of George the Third, Chapter Nineteen, and also the Act of the Fourteenth and Fifteenth of Her present Majesty, Chapter Forty-eight, relating to unlawful Oaths in Ireland, shall not extend to any Society established under this Act or any of the Acts hereby repealed, or to any Meeting of the Members or Officers thereof in which Society or at which Meeting no Business whatever is transacted other than that which directly and immediately relates to the Objects of the Society as declared in the Rules thereof, and set forth in the certified Copy thereof: Provided, that the Trustees or other Officers of the Society, when required under the Hands of Two of Her Majesty's Justices of the Peace, shall give full Information to such Justices of the Nature, Objects, Proceedings, and Practices of such Society, and in default thereof the Provisions of the Acts herein recited shall be in force in respect of such Society.

Societies, how dissolved.

XIII. It shall be lawful for the Members of any Society heretofore formed and established, or hereafter to be formed and established, at some Meeting thereof to be specially called in that Behalf, to dissolve or determine the same by Consent: Provided that no Society established under this or any Act relating to Friendly

Societies shall be dissolved or determined without obtaining the Votes of Consent of Five Sixths in Value of the then existing Members thereof, including the honorary Members, if any, to be ascertained in manner herein-after mentioned, nor without the Consent of all Persons, if any, then receiving or then entitled to receive any Relief, Annuity, or other Benefit from the Funds thereof, to be testified under their Hands individually and respectively, unless the Claim of every such Person be first duly satisfied; and for the Purpose of ascertaining the Votes of such Five Sixths in Value of the Numbers as aforesaid, every Member shall be entitled to One Vote, and an additional Vote for every Five Years that he may have been a Member, but no One Member shall have more than Five Votes in the whole; and the intended Appropriation or Division of the Funds or other Property shall be fairly and distinctly stated in the Agreement for Dissolution prior to such Consent being given; and the Agreement for such Dissolution, duly signed as aforesaid, accompanied with a statutory Declaration by One of the Trustees, or by Three Members and the Secretary, taken before a Justice of the Peace, that the Provisions of the Act under which the Society was established have been complied with, shall be forthwith transmitted to the Registrar, to be by him deposited with the Rules of the Society, and such Agreement shall thereupon be an effectual Discharge at Law and in Equity to the Trustees, Treasurers, and other Officers of such Society, and shall operate as a Release from all the Members of the Society to such Trustees, Treasurers, and other Officers; and it shall not be lawful in any Society to direct a Division or Appropriation of any Part of the Stock thereof, except for the Purpose of carrying into effect the general Interests and Objects declared in the Rules as originally certified, unless the Claim of every Member is first duly satisfied, or adequate Provision be made for satisfying such Claims, under the Hand of the Actuary to the Commissioners for Reduction of the National Debt, or of some Actuary of a Life Assurance Company in London, Edinburgh, or Dublin, who has exercised the Profession of an Actuary at least Five Years; and in the event of the Dissolution or Determination of any Society, or the Division or Appropriation of the Funds thereof, except in the Way herein-before provided, any Trustee or other Officer or Person aiding or abetting therein shall, on Conviction thereof by Two Justices, be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Term not exceeding Three Calendar Months, as to such Justices shall seem meet.

Societies may unite with others, or One Society may

XIV. It shall be lawful for any Two or more Societies established under this or any of the Acts hereby repealed to unite and become incorporated in One Society, with or without any Dissolution or Division of the Funds of such Societies or either of them; or a

Society

Society formed and established under this Act or any of the said repealed Acts may be allowed to transfer its Engagements to any other Friendly Society, if any other such Society shall undertake to fulfil the Engagements of such Society, upon such Terms as shall be agreed upon by the major Part of the Trustees, and also of the Committee of Management of both Societies, or the Majority of the Members of each of such Societies at a General Meeting convened for the Purpose. transfer its Engagement to another.

XV. A Person under the Age of Twenty-one may be elected or admitted as a Member of any Society established under this Act or any of the Acts hereby repealed, the Rules of which do not prohibit such Election, and may and he is hereby empowered to execute all necessary Instruments and to give all necessary Acquittances: Provided always, that during his Nonage he shall not be competent to hold any Office of Director, Trustee, Treasurer, or Manager of such Society. Minors may be elected.

XVI. The Rules of every Friendly Society established under this Act shall specify the Times and Places where the Members thereof shall hold their Meetings for the Purpose of conducting the Affairs of such Society; and it shall be lawful for the Trustee or Trustees for the Time being of any Friendly Society formed and established under this Act or under any of the Acts hereby repealed, with the Consent of a Majority of the Members thereof present at a Special or General Meeting of the Society, to purchase, build, hire, or take upon Lease any Building for the Purpose of holding such Meetings, and to adapt and furnish the same, and to purchase or hold upon Lease any Land not exceeding One Acre for the said Purpose of erecting thereon a Building for holding the Meetings of the Society, and such Trustee or Trustees shall thereupon hold the same in trust for the Use of such Society; and, with the like Consent as aforesaid, such Trustee or Trustees may mortgage, sell, exchange, or let such Building or any Part thereof; and the Receipt in Writing of such Trustee, or One of such Trustees for the Time being, shall be a legal Discharge for the Money arising from such Mortgage, Sale, Exchange, or Letting; and no Mortgagee, Purchaser, Tenant, or Assignee shall be bound to inquire into or ascertain or prove the Consent aforesaid, to verify his Title: Provided always, that any Building purchased or appropriated for the Purpose aforesaid already belonging to or in the Possession of any Friendly Society heretofore formed and established under the said repealed Acts or any of them may be holden and dealt with as if it had been acquired under this Act; and when any Society shall hereafter come under the Provisions of this Act, the Land or Buildings which may be vested in the Meetings of the Society. Buildings for the Purpose may be purchased or leased.

Treasurer, Trustee, or other Officer thereof for the Time being shall thereupon vest in the Trustee or Trustees for the Time being of such Society, for the same Estate and Interest as the said Treasurer, Trustee, or other Officer may have therein, without any Conveyance or Assignment whatever.

Committee of Management.

XVII. It shall be lawful for the Members of any Society under this Act or under the said repealed Acts or any of them, or for a Majority of such Members present at any Meeting of the Society called specially for that Purpose, to nominate and appoint a Committee of General Management, to whom they may delegate all or any of the Powers of such Society relative to the Management thereof, or to the framing, amending, repealing, rescinding, or altering the Rules of such Society, or any of them.

As to the Appointment and Duties of Officers, and the Property of Societies, be it enacted,

Trustees, how appointed.

XVIII. Every Friendly Society established under this Act shall, at some Meeting of its Members, and by a Resolution of a Majority of the Members then present, nominate and appoint One or more Person or Persons to be Trustee or Trustees for the said Society and the like in the Case of any Vacancy in the said Office; and a Copy of the Resolution so appointing such Person or Persons to the Office of Trustee, and signed by such Trustee or Trustees and by the Secretary of the said Society, shall be sent to the Registrar, to be by him deposited with the Rules of the said Society in his Custody: Provided always, that where no Trustee shall have been appointed in any Society established under any One of the Acts hereby repealed, the Treasurer thereof, or other Person who has Custody of the Monies of such Society, shall be taken to be a Trustee, within the Meaning of this Act.

Property of the Society vested in them.

XIX. All Real and Personal Estate whatsoever belonging to any such Society shall be vested in such Trustee or Trustees for the Time being, for the Use and Benefit of such Society and the Members thereof, and the Real or Personal Estate of any Branch of a Society shall be vested in the Trustees of such Branch, and be exclusively under the Control of such Trustee or Trustees, their respective Executors or Administrators, according to their respective Claims and Interest, and upon the Death or Removal, Resignation, Refusal, or Inability, such Resignation, Refusal, or Inability being first duly certified to the Registrar by the Secretary of the Society, of any such Trustee or Trustees, the same shall vest in the succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same

same Trusts, without any Conveyance or Assignment whatsoever, save and except in the Case of Stocks and Securities in the Public Funds of Great Britain and Ireland, which shall be transferred into the Name or Names of such new Trustee or Trustees; and in all Actions or Suits or Indictments, or Summary Proceedings before Magistrates, touching or concerning any such Property, the same shall be stated to be the Property of the Person or Persons for the Time being holding the said Office of Trustee, in his or their proper Name or Names, without any further Description.

Actions, &c. by or against them.

XX. The Trustee or Trustees so appointed as aforesaid are hereby authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution in any Court of Law or Equity, touching or concerning the Property, Right, or Claim to Property of the Society for which he or they are such Trustee or Trustees as aforesaid; and such Trustee or Trustees shall and may, in all Cases concerning the Real or Personal Property of such Society, sue and be sued, plead and be impleaded, in any Court of Law or Equity, in his or their proper Name or Names, as Trustee or Trustees of such Society, without other Description; and no such Action, Suit, or Prosecution shall be discontinued or shall abate by the Death of such Person, or his Removal from the Office of Trustee, but the same shall and may be proceeded in by or against the succeeding Trustee or Trustees in the proper Name of the Person commencing or defending the same; and such succeeding Trustee or Trustees shall pay or receive the like Costs as if the Action or Suit or Prosecution had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Society.

Limitation of his Responsibility.

XXI. Provided nevertheless, That no Trustee or Trustees of any such Society shall be liable to make good any Deficiency which may arise or happen in the Funds of such Society, but shall be liable only for the Monies which shall be actually received by him on account of such Society.

Treasurers, how appointed.

XXII. Every Friendly Society established under this Act shall, by it Rules or at some Meeting of the Society called specially for that Purpose, and by a Majority of the Members then present, appoint One or more fit and proper Person or Persons to be Treasurer or Treasurers of such Society, and afterwards, so often as the Office of Treasurer shall become vacant by Death or otherwise, they shall in like Manner appoint some fit and proper Person to the Office.

To give Security.

XXIII. The Treasurer of every such Society, and every Treasurer hereafter appointed in any Society established under any of the

repealed Acts, shall, before he take upon himself the Execution of his Office, become bound, with One sufficient Surety, in a Bond according to the Form set forth in the Schedule to this Act, in such penal Sum as the Society or the Committee of Management shall direct and appoint, conditioned for his just and faithful Execution of his said Office of Treasurer, and for rendering a just and true Account of all Monies received or paid by him on account of the said Society at such Times as the Rules of the said Society shall direct and appoint, and at such Times as he shall be required so to do by the Trustee or Trustees of the said Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at any Meeting of such Society; and every such Bond shall be given to the Trustee or Trustees of the said Society for the Time being; and if the same shall at any Time become forfeited, it shall be lawful for such Trustee or Trustees for the Time being to sue upon such Bond for the Use of such Society; and in Scotland such Bond shall have the same Force and Effect as a Bond there in use duly attested and completed, and containing a Clause of Registration for Execution as well as for Preservation in the Books of Council and Session and other Judges Books competent, and shall be registered in such Books accordingly, with a view to Diligence.

Treasurer to account.

XXIV. Every such Treasurer or other Officer, whether appointed before or after the passing of this Act, at such Times as by the Rules of such Society he should render such Account as aforesaid, or upon being required so to do by the Trustee or Trustees of such Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at a Meeting of the said Society as aforesaid, shall within Seven Days thereafter render to the Trustee or Trustees of the Society, or to the said Committee of Management, or to the Members of such Society at a Meeting of the Society, a just and true Account of all Monies received and paid by him since he last rendered the like Account, and of the Balance then remaining in his Hands, and of all Bonds or Securities of such Society, which Account the said Trustee or Trustees or Committee of Management shall cause to be audited by some fit and proper Person or Persons by them to be appointed; and such Treasurer, if thereunto required, upon the said Account being audited, shall forthwith hand over to the said Trustee or Trustees the Balance which on such Audit shall appear to be due from him, and shall also, if required, hand over to such Trustee or Trustees all Securities and Effects, Books, Papers, and Property of the said Society in his Hands or Custody; and if he fail to do so the Trustee or Trustees of the said Society may sue upon the Bond aforesaid, or may sue such Treasurer in

in the County Court of the District, or in any of the Superior Courts of Common Law, or in any other Court having Jurisdiction, for the Balance appearing to have been due from him upon the Account last rendered by him, and for all the Monies since received by him on account of the said Society, and for the Securities and Effects, Books, Papers, and Property in his Hands or Custody, leaving him to set off in such Action the Sums, if any, which he may have since paid on account of the said Society; and in such Action the said Trustee or Trustees shall be entitled to recover their full Costs of Suit, to be taxed as between Attorney and Client.

Property how recovered, if the Officer die, or become bankrupt or insolvent.

XXV. If any Person already appointed or employed or hereafter to be appointed or employed to or in any Office in any Friendly Society established under this Act or under any of the Acts hereby repealed, whether such Appointment or Employment was before or after the legal Establishment of such Society, and having in his Hands or Possession, by virtue of his Office, any Monies or Property whatsoever of such Society, or any Deeds or Securities belonging to such Society, shall die, or become bankrupt or insolvent, or have any Execution or Attachment or other Process issued against him or any Part of his Property, or shall have any Action or Diligence raised against his Lands, Goods, Chattels, or Effects, or Property or other Estate, heritable or moveable, or shall make any Assignment, Disposition, Assignation, or other Conveyance for the Benefit of his Creditors, the Heirs, Executors, Administrators, or Assignees of every such Officer, and every other Person having or claiming Right to the Property of such Officer, and the Sheriff or other Person executing such Process, and the Party using such Action or Diligence respectively, shall, upon Demand in Writing made by the Treasurer or by the Trustee or any Two of the Trustees of such Society, or any Person appointed at some Meeting of the Society to make such Demand, deliver and pay over all such Monies, Property, Deeds, and Securities belonging to such Society to such Person as such Treasurer or Trustees shall appoint, and shall pay, out of the Estate, Assets, or Effects, heritable or moveable, of such Officer, all Sums of Money due which such Officer shall have received, before any other of his Debts are paid, and before any other Claims upon him shall be satisfied, and before the Money directed to be levied by such Process as aforesaid, or which may be recovered or recoverable under such Diligence, is paid over to the Party issuing such Process or using such Diligence; and the Claims aforesaid of such Society shall be a primary Lien upon the Property of such Officer, and all his Assets, Lands, Goods, Chattels, Property, Estates, and Effects shall be bound to the Payment, Discharge, and Satisfaction of such Claims.

CLAUSE A. Punishment of Fraud in withholding Money, &c.

XXVI. And for the more effectually preventing Fraud and Imposition on the Funds of any Society established under this Act, or any of the Acts hereby repealed, if any Officer, Member, or other Person being, or representing himself to be, a Member of such Society, or the Nominee, Executor, Administrator, or Assignee of a Member thereof, or any Person whatsoever, by false Representation or Imposition, shall obtain Possession of any Monies, Securities, Books, Papers, or other Effects of such Society, or having the same in his Possession shall wrongfully withhold or misapply the same, or any Part thereof, it shall be lawful in England for any Justice of the Peace acting in the County or Borough in which the Place of Business of such Society shall be situated, upon Complaint made by any Person on behalf of such Society, to summon the Person against whom such Complaint is made to appear at a Time and Place to be named in such Summons; and any Two Justices present at the Time and Place mentioned in such Summons shall proceed to hear and determine the said Complaint, in manner directed by the Act passed in the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three; and in Scotland every such Offence may be prosecuted by summary Complaint at the Instance of the Procurator Fiscal of the County, or of the Society, with his Concurrence, before the Sheriff; and if the said Justices or Sheriffs respectively shall determine the said Complaint to be proved against such Person, they shall adjudge and order him to deliver up all such Monies, Securities, Books, Papers, or other Effects to the Society, and to pay, if they think fit, a further Sum of Money not exceeding Twenty Pounds, together with Costs not exceeding Twenty Shillings; and, in default of such Delivery of Effects, or Payment of such Penalty and Costs aforesaid, the said Justices or Sheriffs may order the said Person so convicted to be imprisoned in the Common Gaol or House of Correction, with or without Hard Labour, for any Time not exceeding Three Months: Provided, that nothing herein contained shall prevent the said Society, or in Scotland Her Majesty's Advocate, from proceeding by Indictment against the said Party: Provided also, that no Person shall be proceeded against by Indictment if a Conviction shall have been previously obtained for the same Offence under the Provisions of this Act.

As to the Rules of Societies, be it enacted,

Rules to be made.

XXVII. Before any Friendly Society shall be established under this Act, the Persons intending to establish the same shall agree upon and frame a Set of Rules for the Regulation, Government, and Management of such Society, and in such Rules they shall, amongst other things, make Provision for the altering, amending, and rescinding the

the said Rules or any of them, and for making new Rules, when it shall be deemed necessary, and for imposing reasonable Fines and Forfeitures on any Member of such Society who shall offend against the said Rules or any of them, and for appointing a General Committee of Management of such Society, and delegating to such Committee all or any of the Powers given by this Act to the Members of Friendly Societies formed or established under or by virtue of the same; and such Rules shall set forth,

1. The Name and Place of Business of the Society:
2. The whole of the Objects for which the Society is to be established, the Purposes for which the Funds thereof shall be applicable, including the Expenses of Management, and the Conditions under which any Member may become entitled to any Benefit assured thereby:
3. The Manner of making Rules, altering, amending, and rescinding any Rules:
4. A Provision for the Appointment and Removal of a Trustee or Trustees, Treasurer, and Officers to prepare Returns required by this Act:
5. A Provision for an annual or periodical Audit of Accounts:
6. The Manner in which Disputes between the Society and any of its Members, or any Person claiming by or through any Member, shall be settled:

And the Rules of every such Society shall provide that all Monies received or paid on account of each and every particular Fund or Benefit assured to the Members thereof, their Husbands, Wives, Children, or Kindred, for which a separate Table of Contributions payable shall have been adopted, shall be entered in a separate Account, distinct from the Monies received and paid on account of any other Benefit or Fund.

Copies to be sent to the Registrar, and his Certificate obtained.

XXVIII. Two printed or written Copies of such Rules, signed by Three of the intended Members and the Secretary or other Officer, shall be transmitted to the Registrar aforesaid, and if the Registrar shall find that such Rules are in conformity with Law and with the Provisions of this Act, he shall give a Certificate in the Form set forth in the Schedule to this Act, and shall return One of the said Copies to the said Society, and shall keep the other in such Manner as shall from Time to Time be directed by One of Her Majesty's Principal Secretaries of State, and for which Certificate no Fee shall be payable to the said Registrar; and all Rules so certified as aforesaid shall be binding on the several Members of the said

Actuary's Certificate to be sent with the Copies in case of Tables of Annuities.

Society: Provided always, that it shall not be lawful for the said Registrar to grant any such Certificate to a Society assuring to any Member thereof a certain Annuity or Superannuation, deferred or immediate, unless the Tables of Contributions payable for such kind of Assurance shall have been certified under the Hand of the Actuary to the Commissioners for Reduction of the National Debt, or by an Actuary of some Life Assurance Company established in London, Edinburgh, or Dublin, who shall have exercised the Profession of Actuary for at least Five Years, and such Certificate be transmitted to the Registrar, together with the Copies of the Rules aforesaid.

Rules may be altered, amended, rescinded, or new Rules made.

XXIX. After the Rules of a Friendly Society shall have been so certified by the Registrar as aforesaid, it shall be lawful for such Society, by Resolution at a Meeting specially called for that Purpose, to alter, amend, or rescind the same or any of them, or to make new Rules; and it shall be lawful for any Friendly Society formed and established under any of the Acts hereby repealed to alter, amend, or rescind the Rules by which their Society is governed, regulated, or managed, or to make new Rules: Provided always, that Two printed or written Copies of the proposed Alterations or Amendments, and of such new Rules, signed by Three Members of such Society, and the Secretary or other Officer, shall be transmitted to the said Registrar, to One of which shall be attached a Declaration by the Secretary or One of the Officers of such Society, that in making the same the Rules of such Society respecting the making, altering, amending, and rescinding Rules, or the Directions of the Act under which such Society was established, have been duly complied with; and if the said Registrar shall find that such Alterations, Amendments, or new Rules are in conformity with Law, he shall give to the Society a Certificate in the Form set forth in the Schedule to this Act, and return One of the Copies to the Society, and shall keep the other, with the Rules of such Society, in his Custody, and for which Certificate no Fee shall be payable to the said Registrar; and all Rules, Alterations, and Amendments, when so certified as aforesaid, shall be binding on the several Members of the said Society and all Persons claiming under them; but unless and until the same shall be so certified as aforesaid such Rules, Alterations, and Amendments shall have no Force or Validity whatsoever.

When Place of Meeting is altered, Notice to be sent to Registrar.

XXX. Whenever any Friendly Society established under this Act or under any of the Acts hereby repealed shall change its Place of Business, written Notice of such Change, under the Hands of Two of the Trustees or Three Members, shall, within Fourteen Days thereafter, be sent to the said Registrar.

XXXI. If

Circulating false Copies of Rules, &c. a Misdemeanor.

XXXI. If any Person shall give to any Member of a Friendly Society established under this Act or under any of the said repealed Acts, or to any Person intending or applying to become a Member of such Society, a Copy of any Rules, or of any Alterations or Amendments of the same, other than those respectively which have been enrolled with any Clerk of the Peace or certified by the Registrar, under colour that the same are binding upon the Members of such Society, or shall make any Alterations in or Addition to any of the Rules or Tables of such Society after they shall have been respectively enrolled or certified by the Registrar, and shall circulate the same, purporting that they have been duly enrolled or certified under this or any of the said repealed Acts, when in fact they have not been so duly enrolled or certified, every Person so offending shall be deemed guilty of a Misdemeanor.

Rules, how received in Evidence.

XXXII. All Rules and Tables of any Society established under this Act or any of the said repealed Acts, and all Alterations and Amendments thereof, and all Copies thereof or Extracts therefrom, and all Writings and Documents relating to a Friendly Society, and purporting to be signed by the Registrar, shall, in the Absence of any Evidence to the contrary, be received in all Courts of Law and Equity, and elsewhere, without Proof of the Signature thereto.

And as to Payments by Societies on Death of a Member, be it enacted:

On Death of Member, Sum under 50*l.* may be paid without Administration.

XXXIII. When, on the Death of any Member of any Society established under this Act or any of the said repealed Acts, any Sum not exceeding Fifty Pounds shall become payable, it shall be lawful for the Trustee or Trustees of such Society for the Time being, provided Notice shall not have been given in Writing to such Trustees of the Existence of a Will of such Member, and of an Intention to prove the same, and to take out Letters of Administration within Two Months after the Decease of such Member, to pay the said Sum to the Person nominated in Writing signed by the deceased Member and deposited with the Secretary, being the Husband, Wife, Father, Mother, Child, Brother or Sister, Nephew or Niece of such Member, or in case there shall be no such Nomination, then to pay and divide the same to and amongst the Person or Persons whom he or they shall judge to be entitled to the Effects of the Deceased, without taking out Letters of Administration in England or Ireland, and without Confirmation in Scotland: Provided, that wherever the Trustee or Trustees of any such Society, after the Decease of any Member thereof, shall have

Indemnity to Trustees.

have paid and divided any such Sum of Money to or amongst any Person or Persons who shall at the Time of such Payment appear to such Trustee or Trustees to be entitled to the Effects of any deceased Member who has died intestate, the Payment of any such Sum shall be valid and effectual with respect to any Demand from any other Person or Persons as next of Kin of such deceased Member, or as the lawful Representative or Representatives of such Member, against the Funds of such Society or against the Trustees thereof; but nevertheless such next of Kin or Representative shall have his or her lawful Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

And as to the Investment of the Property of Societies, be it enacted,

Funds, how invested.

XXXIV. The Trustee or Trustees of every Friendly Society established under this Act or any of the said repealed Acts may from Time to Time, with the Consent of the Committee of Management of such Society, or of a Majority of the Members of such Society present at a General or Special Meeting thereof, or in accordance with the Rules of such Society, invest the Funds of such Society, or any Part thereof, to any Amount, in any Savings Bank, or in the Public Funds, or with the Commissioners for the Reduction of the National Debt, as herein-after mentioned, or in such other Security as the Rule of such Society may direct, not being the Purchase of House or Land (save and except the Purchase of Buildings wherein to hold the Meetings or transact the Business of such Society, as herein-before mentioned,) and not being the Purchase of Shares in any Joint Stock Company or other Company, with or without Charter of Incorporation, and not being mere personal Security.

Funds may be invested with the Commissioners of the National Debt.

XXXV. Every Friendly Society established under this Act, and every Friendly Society established under the said repealed Acts, which does not assure the Payment in any Event of a Sum exceeding Two hundred Pounds, or an Annuity exceeding Thirty Pounds per Annum, may pay any Sum of Money not less than Fifty Pounds into the Bank of England, to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Trustee or of the Trustees, or any Two or more of them, that such Monies belong exclusively to the said Society; and the Cashier of the Bank of England is hereby required to receive all such Monies, and to place the same to the Account raised in the Name of the said Commissioners in the Book of the Bank, named "The Fund for Friendly Societies;" and if such Declaration shall not be true, then and in every such Case the Sum of Money so paid in on such Declaration shall be forfeited to the said Commissioners, and shall be applied by them

them in the Manner directed by any Act or Acts for the Time being in force relating to Savings Banks with respect to the Account of such Banks; and the Regulation of Receipts, Certificates, or Orders concerning Saving Banks shall be deemed applicable to Monies paid in as aforesaid under the Authority of this Act, as if the same had been herein repeated; and every such Society, on paying Money directly into the Bank as aforesaid, shall be entitled to receive Receipts bearing Interest at the Rate of Twopence per Centum per Diem: Provided, that every Society which shall deposit any Part of its Funds in any Savings Bank, or with the Commissioners for Reduction of the National Debt, shall furnish to the said Commissioners from Time to Time such Accounts as they may require in reference to the Funds so deposited.

CLAUSE B. What Interest old Societies shall have.

XXXVI. Every Society already established under any of the Acts hereby repealed, which shall have hitherto invested any Part of its Funds with the Commissioners for the Reduction of the National Debt, shall be entitled to pay into the Bank of England, in Sums of not less than Fifty Pounds, Money received from Members on account of Assurances made before the passing of this Act, and to receive Receipts for the same bearing Interest at such Rate or Rates as such Society has hitherto been entitled to receive on account of such Assurances; that is to say, for Money paid into the Bank by any Society legally established before the Twenty-eighth Day of July in the Year One thousand eight hundred and twenty-eight, on account of any Assurance made before the Fifteenth Day of August in the Year One thousand eight hundred and fifty, Threepence per Centum per Diem; and for Money paid into the Bank by any Society established between the Twenty-eighth Day of July in the Year One thousand eight hundred and twenty-eight and the Fifteenth Day of August in the Year One thousand eight hundred and fifty, on account of Assurances made before the Fifteenth Day of August in the Year One thousand eight hundred and fifty, Twopence Halfpenny per Centum per Diem; and for Money paid into the Bank by any Society established since the Fifteenth Day of July One thousand eight hundred and fifty, the Sum of Twopence per Centum per Diem: Provided that the Trustees of every Society which shall deposit any Part of its Funds with the said Commissioners shall not be entitled to make any further Deposit unless they shall furnish from Time to Time such Accounts and Returns as the said Commissioners shall require, and shall satisfy the said Commissioners that they are legally entitled to make such Deposits, and to receive such Interest as aforesaid.

Re-depositing of Money withdrawn.

XXXVII. Where any Friendly Society shall withdraw Money invested by them with the Commissioners for the Reduction of the

National Debt, such Society shall not be entitled to re-deposit the same with the said Commissioners without the Consent of the said Commissioners, or of the Comptroller General or Assistant Comptroller under them.

Transfer of Stock.

XXXVIII. Whenever it shall happen that any Person in whose Name any Part of the several Stocks, Annuities, and Funds transferable at the Bank of England or Ireland, or in the Books of the Governor and Company of the Bank of England, is or shall be standing as a Trustee for any such Society, shall be out of England, or Ireland, or Scotland, respectively, or shall have been removed from his Office of Trustee, or shall be a Bankrupt, Insolvent, or Lunatic, or it shall be unknown whether such Trustee is living or dead, it shall be lawful for the Registrar, upon Proof thereof, and after receiving an Application in Writing from the Secretary of the Society and Three Members thereof, to direct the Accountant General or other proper Officer for the Time being of the said Governor and Company of the Bank of England to transfer in the Books of the said Company such Stocks, Annuities, or Funds standing as aforesaid into the Name of the Trustee who shall be newly appointed, and to pay to him from Time to Time the Dividends thereof; and if One of Two or more such Trustees shall die, or be removed from his Office of Trustee, or become bankrupt or insolvent, it shall be lawful for the Registrar, on the like Application, to direct that the other or others of the Trustees shall transfer such Stock, Annuities, or Funds into the Name of such Person as may have been appointed in his Stead, jointly with the continuing Trustee or Trustees.

And as to the Exemption of Societies from Stamp Duties, be it enacted:

Power of Attorney, &c. not liable to Stamp Duty.

XXXIX. No Copy of Rules, nor Power, Warrant, or Letter of Attorney granted by any Person as Trustee of any Society established under this Act or any of the Acts hereby repealed, for the Transfer of any Share in the Public Funds standing in the Name of such Trustee, nor any Order or Receipt for Money contributed to or received from the Funds of any such Society, by any Person liable or entitled to pay or receive the same by virtue of the Rules thereof or of this Act, nor any Bond to be given to or on account of any such Society, or by the Treasurer or any Officer thereof, nor any Draft or Order, nor any Form of Policy, nor any Appointment of any Agent, nor any Certificate or other Instrument for the Revocation of any such Appointment, nor any other Document whatever required or authorized by or in pursuance of this Act or the Rules of any Society, shall be liable to Stamp Duty: Provided, that no Exemption from any of the Duties granted by any Act or Acts relating to Stamp

Limitation of Exemptions

Stamp Duties shall be deemed to extend to any Society which shall assure the Payment of Money exceeding Two hundred Pounds, or which shall assure the Payment of any Money on the Death of a Member to any Person, except Executors, Administrators, or Assigns of such Member or Persons recited in the Thirty-third Section of this Act, and nominated as therein mentioned: Provided also, that no Exemption from Stamp Duty other than such as is contained in Section Eight of the Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His Majesty King William the Fourth, Chapter Thirty-two, shall extend to any Benefit Building Society.

to Societies not assuring above 100*l.*

CLAUSE C.

XL. If any Person shall become a Member of more than One Society, whereby certain Benefits shall accrue on account of the same Kind of Assurance from more than One Society, it shall not be lawful for him, or for any Person entitled through or under him or by reason of his Membership, or for any Number of such Persons in the aggregate, to receive more than Two hundred Pounds, or, in the Case of Annuities, Fifty Pounds a Year, from such Societies; and in any Case where a Person shall so as aforesaid be a Member of more than One Society, and he or any other Person or Persons shall be entitled to any Benefit in gross or by way of Annuity from any such Society, he or (as the Circumstances may require) every such other Person shall, before he shall receive any such Benefit from any of such Societies, make and sign a Declaration that the total Value of all Benefits accruing or which shall have accrued in respect of any One Kind of Assurance, does not exceed the Value of Two hundred Pounds, or, in the Case of Annuities, Fifty Pounds a Year; and it shall be lawful for any Society to require any Member or any other Person who shall be entitled to any such Benefit, before he shall receive the same, to make and sign a Declaration to the same Effect, or that such Member was not, when the Benefit accrued, a Member of any other Association; and if any Person shall knowingly make any false or fraudulent Declaration in any such Case he shall be guilty of Misdemeanor.

No Member to receive more than 200*l.* or 50*l.* a Year, from any Number of Societies.

Trustees may subscribe to a Hospital or Provident Institution.

XLI. The Trustees of such Society may, out of the Funds thereof, subscribe to any Hospital, Infirmary, Charitable or other Provident Institution such Annual or other Sum as may be agreed upon by the Committee of Management, or by a Majority of the Members, in consideration of any Member of such Society, his Wife, Child, or Relative, being eligible to receive the Benefits of such Hospital or other Institution, according to the Rules thereof.

As to the Determination of Disputes between Friendly Societies and their Members and others, be it enacted:

As to the Determination of Disputes according to the Rules.

XLII. Every Dispute between any Member or Members of any Society established under this Act or any of the Acts hereby repealed, or any Person claiming through or under a Member, and the Trustee, Treasurer, or other Officer, or the Committee thereof, shall be decided in manner directed by the Rules of such Society, and the Decision so made shall be binding and conclusive on all Parties, without Appeal; and if either of the said Parties shall refuse or neglect to comply with or conform to the Decision, or if no Decision shall be made within Seven Days after the next Quarterly Meeting of the Society after Complaint made to the Secretary of the Society, or if the Rules shall direct Disputes to be settled by Justices, then in any of the said Cases any Two Justices of the Peace of the County, Riding, or Borough in which the usual or principal Place of Business of the Society shall be situate may enforce such Decision, or hear and determine such Dispute, as the Case may be, and make an Order thereupon for Payment of Money, if they shall think fit, and shall have the same Powers to enforce such Order as is herein-before enacted for the Punishment of Fraud.

In what Cases by the County Court.

XLIII. In all Friendly Societies established under this Act or any of the said repealed Acts, all Applications for the Removal of any Trustee, or for any other Relief, Order, or Direction, or for the Settlement of Disputes that may arise in any Society the Rules of which do not prescribe any other Mode of settling such Disputes, shall be made to the County Court of the District within which the usual or principal Place of Business of the Society shall be situate, and such Court shall, upon the Application of any Person interested in the Matter, entertain such Application, and give such Relief, and make such Orders and Directions in relation to the Matter of such Application, as herein-after mentioned, or as may now be given or made by the Court of Chancery in respect either of its ordinary or its special or statutory Jurisdiction; and the Decision of such County Court upon and in relation to such Application as aforesaid shall not be subject to any Appeal: Provided always, that in Scotland the Sheriff within his County, and in Ireland the Assistant Barrister within his District, shall have the same Jurisdiction as is hereby given to the Judge of a County Court.

Order of County Court, how enforced.

XLIV. In all Cases where the Order of such County Court shall be for the Payment of Money, the same may be enforced in the same Manner as the ordinary Judgments of such Court are enforced; but where the Order of the said Court shall be for the doing of some Act,

not

not being for the Payment of Money, it shall be lawful for the Judge of such County Court in his said Order to order the Party to do such Act, or that in default of his doing it he shall pay a certain Sum of Money; and in case he refuse or neglect to do the Act required, upon Demand in that Behalf, the Sum of Money or Penalty in the said Order may then be recovered in the same Manner as a Judgment for Debt or Damages in such Court: and it shall not be lawful to remove the same by Certiorari or other Writ or Process to any Superior Court of Record.

Lord Chancellor may make Orders for regulating the Proceedings in this respect.

XLV. Provided, however, That the Lord Chancellor may make such Orders for regulating the Proceedings by and before the Judges of County Courts under this Act as he may think fit; and in Scotland the Court of Session shall have the like Power by Act of Sederunt as regards Proceedings before Sheriffs under this Act; and, subject to such Orders and Acts of Sederunt respectively, such Judges and Sheriffs may regulate the Proceedings before them respectively so as to render them as summary and inexpensive as conveniently may be.

In the Case of Societies whose Rules are not certified, Disputes between the Society and its own Members to be settled as in Cases of certified Societies.

XLVI. In the Case of any Friendly Society established for any of the Purposes mentioned in Clause IX. of this Act, or for any Purpose which is not illegal, having written or printed Rules, whose Rules have not been certified by the Registrar, provided a Copy of such Rules shall have been deposited with the Registrar, every Dispute between any Member or Members of such Society, and the Trustees, Treasurer, or other Officer, or the Committee of such Society, shall be decided in manner herein-before provided with respect to Disputes, and the Decision thereof, in the Case of Societies to be established under this Act, and the Clauses in this Bill provided for such Decision, and also the Clause in this Act which enacts a Punishment in case of Fraud or Imposition by an Officer Member or Person, shall be applicable to such uncertified Societies: Provided always, that nothing herein contained shall be construed to confer on any such Society, whose Rules shall not have been sent to and certified by the Registrar, or any or the Members or Officers of such Society, any of the Powers, Exemptions, or Facilities of this Act, save and except as in and by this Section is expressly provided.

As to Returns to be made by Societies, be it enacted:

Returns to the Commissioners, when and how.

XLVII. The Trustees of Friendly Societies established under this Act or under any of the repealed Acts, or the Officer thereof appointed to prepare Returns, shall, once in every Year, transmit to the Registrar a General Statement of the Funds and Effects of such Society during the past Twelve Months, or a Copy of the last annual

Report of such Society, and shall also, within Three Months after the Expiration of the Month of December One thousand eight hundred and fifty-five, and so again within Three Months after the Expiration of every Five Years succeeding, transmit to the said Registrar a Return of the Rate or Amount of Sickness and Mortality experienced by such Society within the preceding Five Years, in such Form as shall be prepared by the said Registrar, and an Abstract of the same shall be laid before Parliament; and the Registrar shall also lay before Parliament every Year a Report of his Proceedings, in his Office of Registrar, and of the principal Matters transacted by Friendly Societies which have come under his Cognizance during the past Year.

Interpretation Clause.

XLVIII. The following Words herein-after named are herein used and applied in the Manner following respectively; namely, the Words "Justice of the Peace" shall mean a Justice of the Peace for the County, Riding, Division, Borough, City, Liberty, or Place in which the Place of Meeting of the Society shall be situate according to the Rules, or the County, Riding, Division, Borough, City, Liberty, or Place adjacent thereto, or in which the Offender shall reside; the Word "Registrar" shall mean the Registrar of Friendly Societies in England, Scotland, or Ireland, as the Case may be; the Word "County Court" shall mean every County Court holden or established, or to be holden or established, under the Act of the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, or any Act or Acts passed or to be passed for the Alteration or Extension of the same Act, and every Judge of any such Court; and the Word "Society" shall extend to and include every Branch of a Society, by whatever Name it may be designated; and the Words "Committee of Management" shall mean the Body of Persons appointed to manage and direct the Affairs of the Society, by whatever Name such Body may be called; and the Word "Secretary" shall mean the Clerk or Person who keeps the Accounts of the Society.

Extension of Act.

XLIX. This Act shall extend to Great Britain, Ireland, and Berwick-upon-Tweed, and the Isles of Jersey, Guernsey, Alderney, Sark, and Man.

SCHE-

SCHEDULE referred to by the foregoing Act.

Form of Registrar's Certificate to Rules of Friendly Societies.

I hereby certify, That these Rules [*or* new Rules, *or* Alterations of Rules,] are in conformity to Law.

A. B.,
The Registrar of Friendly Societies in England
[Ireland *or* Scotland].
Day of

N.B.—This Certificate has the Effect of declaring this Society to be established according to Law, but the Signature of the Registrar gives no Assurance for the Accuracy, or Expediency, or Sufficiency of the Rules and Tables adopted by this Society.

Form of Certificate of Medical Practitioner.

I hereby certify, That
aged Years, late of
died on the Day of and that I consider the probable Cause of his *or* her Death to have been

(Signed) *Profession.*
Residence.

Day of .

Form of Bond.

Know all Men by these Presents, That we *A.B.* of
Treasurer [*or* Steward, *&c.*] of the Society, established at in the County of and *C.D.* of and *G.H.* of (as Sureties on behalf of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of , *C.D.* of , and *E.F.* of , the Trustees of the said Society, in the Sum of to be paid to the said *A.B.*, *C.D.*, and *E.F.* as such Trustees, or their Successors Trustees for the Time being, or their certain Attorney, for which Payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and

each of our Heirs, Executors, and Administrators, firmly by these Presents sealed with our Seals. Dated the Day of in the Year of our Lord .

Whereas the above-bounden *A.B.* hath been duly appointed Treasurer [*or* Steward, *&c.*] of the Society, established as aforesaid, and he, together with the above-bounden *C.D.* and *G.H.* as his Sureties, have entered into the above-written Bond, subject to the Condition herein-after contained: Now, therefore, the Condition of the above-written Bond is such, that if the said *A.B.* shall and do justly and faithfully execute his Office of Treasurer [*or* Steward, *&c.*] of the said Society established as aforesaid, and shall and do render a just and true Account of all Monies received and paid by him, and shall and do pay over all the Monies remaining in his Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property of or belonging to the said Society in his Hands or Custody, to such Person or Persons as the said Society shall appoint, according to the Rules of the said Society, together with the proper or legal Receipts or Vouchers for such Payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his Office of Treasurer [*or* Steward, *&c.*] to the said Society according to the Rules thereof, then the above-written Bond shall be void and of no Effect; otherwise shall be and remain in full Force and Virtue.

Friendly Societies.

A

BILL

[AS AMENDED BY THE COMMITTEE AND ON RECOMMITMENT]

To consolidate and amend the Law relating to Friendly Societies.

(*Prepared and brought in by Mr. Sotheron, Mr. Bonham Carter, and Mr. Adderley.*)

Ordered, by The House of Commons, *to be Printed*, 27 *March* 1855.

[Bill 67.]

Under 3 oz.

Friendly Societies Bill.

[AS AMENDED BY THE COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT.]

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A

B I L L

[AS AMENDED BY THE COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

TO

Consolidate and amend the Law relating to Friendly Societies.

[Note.—*The Clauses marked* A. B. *and* C. *were added on Re-commitment.*]

Preamble.

WHEREAS it would conduce to the Improvement of the Law relating to Friendly Societies if the several Statutes relating thereto were consolidated, and certain Additions and Alterations were made therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Repeal of former Acts, 33 G. 3. c. 54. 35 G. 3. c. 111. 43 G. 3. c. 111. 49 G. 3. c. 58. 49 G. 3. c. 125. 59 G. 3. c. 128. 6 G. 4. c. 74. 10 G. 4. c. 56.

I. That from and after the First Day of October in the Year One thousand eight hundred and fifty-five, the following Statutes, that is to say, the Thirty-third of George the Third, Chapter Fifty-four, the Thirty-fifth of George the Third, Chapter One hundred and eleven, the Forty-third of George the Third, Chapter One hundred and eleven, the Forty-ninth of George the Third, Chapter Fifty-eight, the Forty-ninth of George the Third, Chapter One hundred and twenty-five, the Fifty-ninth of George the Third, Chapter One hundred and twenty-eight, the

2 W. 4. c. 37. 4 & 5 W. 4. c. 40. 3 & 4 Vict. c. 73. 9 & 10 Vict. c. 27. 13 & 14 Vict. c. 115. 15 & 16 Vict. c. 65. 16 & 17 Vict. c. 123. 17 & 18 Vict. c. 101.

Sixth of George the Fourth, Chapter Seventy-four (so far as the same relates to Friendly Societies), the Tenth of George the Fourth, Chapter Fifty-sixth, the Second of William the Fourth, Chapter Thirty-seven, the Fourth and Fifth of William the Fourth, Chapter Forty, the Third and Fourth of Her present Majesty, Chapter Seventy-three, the Ninth and Tenth of Her present Majesty, Chapter Twenty-seven, the Thirteenth and Fourteenth of Her present Majesty, Chapter One hundred and fifteen, the Fifteenth and Sixteenth of Her present Majesty, Chapter Sixty-five, the Sixteenth and Seventeenth of Her present Majesty, Chapter One hundred and twenty-three, the Seventeenth and Eighteenth of Her present Majesty, Chapter One hundred and one, shall be and the same are hereby repealed, save and except as to any Offences committed, or Penalties or Liabilities incurred, or Bond or Security given, or Proceedings taken under the same before the Commencement of this Act.

Societies under former Acts to continue.

II. Provided nevertheless, That, notwithstanding the Repeal of the said several Statutes, every Friendly Society now subsisting, which heretofore had been formed and established under the said Acts or any of them, shall still be deemed to be and shall continue to be a subsisting Society, as fully as if this Act had not been made, unless and until such Society shall be dissolved, or united with some other Society as herein-after mentioned.

Their Rules to continue in force, and Enrolments to be sent to Registrar.

III. Provided also, That the Rules of every such subsisting Society hitherto formed and established, which have been hitherto confirmed, registered, or certified under the said Acts or any of them, shall be deemed valid and in force until the same shall be altered or rescinded as herein-after mentioned; and all Transcripts of any of such Rules which are now filed with the Rolls of the Sessions of the Peace of any County, Riding or Division, City or Borough, Liberty or Place, shall be taken off the File, and shall be transmitted to the Registrar under this Act, to be by him kept in such Manner as shall be directed from Time to Time by One of Her Majesty's Secretaries of State in that Behalf.

All their Contracts, and all Bonds, &c. to them, to continue in force.

IV. Provided also, That all Contracts and Engagements by or with any of the said Societies now valid and in force, and all Bonds and Securities heretofore given by any Trustee, Treasurer, or other Officer of any such Society, shall continue and be valid and in force notwithstanding the Repeal of the said Acts.

Their Exemptions, Powers, and

V. All such subsisting Societies, whose Rules have heretofore been confirmed, registered, or certified under the said Acts or any of

of them, shall, so long as they shall not hereafter effect an Assurance to any Member thereof, or other Person, of any Sum exceeding Two hundred Pounds or of any Annuity exceeding Fifty Pounds per Annum, enjoy all the Exemptions and Privileges by this Act conferred on Societies to be established under the Provisions of this Act, as fully as if they had been registered and certified under this Act as herein-after mentioned. Privileges under this Act.

As to the Registrars, be it enacted, *Registrars.*

VI. For the Purposes of this Act there shall be Three Registrars of Friendly Societies, One for England, One for Scotland, and One for Ireland, who shall hold their respective Offices during the Pleasure of the Commissioners for the Reduction of the National Debt; and upon the Death, Resignation, or Removal of any One of them, the said Commissioners shall appoint another, being a Barrister in England or Ireland, and in Scotland an Advocate, of not less than Seven Years Standing, to the said Office. Registrars, how and by whom appointed.

VII. It shall be lawful for the Commissioners of Her Majesty's Treasury to pay to the present Registrar for England a Salary equal to that which has been paid to him yearly in each of the Three last Years, not exceeding One thousand Pounds per Annum, and to pay to any Registrar hereafter to be appointed for England a Salary not exceeding Eight hundred Pounds a Year, and to pay to the Registrars for Scotland and Ireland respectively a Salary such as the said Commissioners shall direct not exceeding One hundred and fifty Pounds a Year, every such Salary to be paid by Four equal quarterly Payments; and any of the said Registrars who shall be appointed, or who shall die, resign, or be removed from his Office, in the Interval between Two quarterly Days of Payment, shall be entitled to a proportionate Part of his Salary, and such Salaries and proportionate Parts of Salaries shall be paid out of such Monies as shall be provided by Parliament for that Purpose. Their Salaries.

VIII. The said Commissioners of Her Majesty's Treasury shall out of such Monies as may be provided by Parliament for the Purpose pay to the said Registrars respectively such Sum as will defray the Expenses allowed by the said Commissioners from Time to Time for Office Rent, Salaries of Clerks, Stationery, Computation of Tables, and for such other Expenses as may be incurred by them respectively. Their Expenses of Office, &c.

As to the Formation and Establishment of Friendly Societies hereafter, be it enacted, *As to Friendly Societies hereafter.*

IX. It shall be lawful for any Number of Persons to form and establish a Friendly Society, under the Provisions of this Act, for the How and for what Purpose formed.

the Purpose of raising by voluntary Subscriptions of the Members thereof, with or without the Aid of Donations, a Fund for any of the following Objects; (that is to say,)

For Payments on Death.

1. For insuring a Sum of Money to be paid on the Birth of a Member's Child, or on the Death of a Member, his Wife, or Child:

For Relief in Sickness, &c.

2. For the Relief, or Maintenance, of the Members, their Husbands, Wives, Children, or Kindred, in old Age, Sickness, or Widowhood, or the Endowment of Members or Nominees of Members at any Age:

For other Purpose authorized by the Commissioners.

3. For any Purpose which shall be authorized by One of Her Majesty's Principal Secretaries of State, or in Scotland by the Lord Advocate, as a Purpose to which the Powers and Facilities of this Act ought to be extended:

Provided, that a Society established under this Act shall not assure the Payment of an Annuity exceeding Fifty Pounds per Annum, nor of a Sum payable on the Death of any Person, or on any other Contingency, exceeding Two hundred Pounds:

And if such Persons so intending to form and establish such Society shall frame Rules for the Government, Guidance, and Regulation of the same, and shall transmit the same to the Registrar aforesaid, and shall obtain his Certificate that the same are in conformity to Law as herein-after mentioned, then the said Society shall be deemed to be fully formed and established from the Date of the said Certificate.

No Money to be paid on the Death of a Child without a Copy of Entry of the Registrar of Births and Deaths, nor to exceed 6*l.* if the Child is under Five Years of Age, nor 10*l.* if above Five and under Ten Years of Age.

X. In any Society in which a Sum of Money may be insured payable on the Death of a Child under Ten Years of Age, it shall not be lawful to pay any Sum on the Death of such Child, except upon Production of a Copy of the Entry in the Register of Births and Deaths, signed by the Registrar of the District in which the Child shall have died; and if such Entry shall state that the Cause of Death has not been certified by a qualified Medical Practitioner, or by a Coroner, a Certificate signed by a qualified Medical Practitioner, in the Form set forth in the Schedule of this Act, shall forthwith be procured, and it shall not be lawful in that Case to pay any Sum without such Certificate; and if any Trustee or Officer of any Society, upon an Insurance of a Sum payable on the Death of a Child made after the passing of this Act, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society on the Death of a Child under the Age of Five Years to a Sum exceeding Six Pounds, or of a Child between Five and Ten Years to a Sum exceeding Ten Pounds, or shall pay any Sum without endorsing the Amount which he shall pay on the Back or at the Foot of the Copy of Entry signed by the Registrar, he

he shall be liable to a Penalty not exceeding Five Pounds for every such Offence, upon Conviction thereof before Two Justices of the County or Borough in which such Death shall have taken place: The Registrar shall be entitled to receive, upon Delivery of such Copy of Entry, a Fee of One Shilling, and it shall not be lawful for him to deliver more than One such Copy for such Purpose.

Benevolent Societies, in what Case entitled to the Benefits of this Act.

XI. And whereas many Provident, Benevolent, and Charitable Institutions and Societies are formed and may be formed for the Purpose of relieving the physical Wants and Necessities of Persons in poor Circumstances, or for improving the Dwellings of the Labouring Classes, or for granting Pensions, or for providing Habitations for the Members or other Persons elected by them, and it is expedient to afford some Protection to the Funds thereof: Be it enacted, That if Two written or printed Copies of the Rules of any such Institution or Society, and from Time to Time the like Copies of any Alterations or Amendments made in the same, signed by Three Members and the Secretary thereof, shall be transmitted to the Registrar aforesaid, such Registrar shall, if he shall find that the same are not repugnant to Law, give a Certificate to that Effect; and thereupon the following Sections of this Act, that is to say, the Eighteenth, Nineteenth, Twentieth, Twenty-first, and Twenty-second, Forty-second, Forty-third, Forty-fourth, and Forty-fifth, shall extend and be applicable to the said Institution and Society as fully as if the same were a Society established under this Act.

Statutes as to unlawful Oaths not to extend to Societies under this Act or any repealed Acts.

XII. The Act of the Thirty-ninth of George the Third, Chapter Seventy-nine, and the Act of the Forty-seventh of George the Third, Chapter Nineteen, and also the Act of the Fourteenth and Fifteenth of Her present Majesty, Chapter Forty-eight, relating to unlawful Oaths in Ireland, shall not extend to any Society established under this Act or any of the Acts hereby repealed, or to any Meeting of the Members or Officers thereof in which Society or at which Meeting no Business whatever is transacted other than that which directly and immediately relates to the Objects of the Society as declared in the Rules thereof, and set forth in the certified Copy thereof: Provided, that the Trustees or other Officers of the Society, when required under the Hands of Two of Her Majesty's Justices of the Peace, shall give full Information to such Justices of the Nature, Objects, Proceedings, and Practices of such Society, and in default thereof the Provisions of the Acts herein recited shall be in force in respect of such Society.

Societies, how dissolved.

XIII. It shall be lawful for the Members of any Society heretofore formed and established, or hereafter to be formed and established, at some Meeting thereof to be specially called in that Behalf, to dissolve or determine the same by Consent: Provided that no Society established under this or any Act relating to Friendly

Societies shall be dissolved or determined without obtaining the Votes of Consent of Five Sixths in Value of the then existing Members thereof, including the honorary Members, if any, to be ascertained in manner herein-after mentioned, nor without the Consent of all Persons, if any, then receiving or then entitled to receive any Relief, Annuity, or other Benefit from the Funds thereof, to be testified under their Hands individually and respectively, unless the Claim of every such Person be first duly satisfied; and for the Purpose of ascertaining the Votes of such Five Sixths in Value of the Numbers as aforesaid, every Member shall be entitled to One Vote, and an additional Vote for every Five Years that he may have been a Member, but no One Member shall have more than Five Votes in the whole; and the intended Appropriation or Division of the Funds or other Property shall be fairly and distinctly stated in the Agreement for Dissolution prior to such Consent being given; and the Agreement for such Dissolution, duly signed as aforesaid, accompanied with a statutory Declaration by One of the Trustees, or by Three Members and the Secretary, taken before a Justice of the Peace, that the Provisions of this Act have been complied with, shall be forthwith transmitted to the Registrar, to be by him deposited with the Rules of the Society, and such Agreement shall thereupon be an effectual Discharge at Law and in Equity to the Trustees, Treasurers, and other Officers of such Society, and shall operate as a Release from all the Members of the Society to such Trustees, Treasurers, and other Officers; and it shall not be lawful in any Society to direct a Division or Appropriation of any Part of the Stock thereof, except for the Purpose of carrying into effect the general Interests and Objects declared in the Rules as originally certified, unless the Claim of every Member is first duly satisfied, or adequate Provision be made for satisfying such Claims; and in case any Member of such Society shall be dissatisfied with such Provision, it shall be lawful for him or her to apply to the Judge of the County Court of the District within which the usual Place of Business of the Society is situated for Relief or other Order; and the said Judge shall have the same Powers to entertain such Application, and to make such Order or Direction in relation thereto, as he may think the Justice of the Case may require, as hereinafter is enacted in regard to the Settlement of Disputes; and in the event of the Dissolution or Determination of any Society, or the Division or Appropriation of the Funds thereof, except in the Way herein-before provided, any Trustee or other Officer or Person aiding or abetting therein shall, on Conviction thereof by Two Justices, be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Term not exceeding Three Calendar Months, as to such Justices shall seem meet.

XIV. It

Societies may unite with others, or One Society may transfer its Engagement to another.

XIV. It shall be lawful for any Two or more Societies established under this or any of the Acts hereby repealed to unite and become incorporated in One Society, with or without any Dissolution or Division of the Funds of such Societies or either of them; or a Society formed and established under this Act or any of the said repealed Acts may be allowed to transfer its Engagements to any other Friendly Society, if any other such Society shall undertake to fulfil the Engagements of such Society, upon such Terms as shall be agreed upon by the major Part of the Trustees, and also of the Committee of Management of both Societies, or the Majority of the Members of each of such Societies at a General Meeting convened for the Purpose.

Minors may be elected.

XV. A Person under the Age of Twenty-one may be elected or admitted as a Member of any Society established under this Act or any of the Acts hereby repealed, the Rules of which do not prohibit such Election, and may and he is hereby empowered to execute all necessary Instruments and to give all necessary Acquittances: Provided always, that during his Nonage he shall not be competent to hold any Office of Director, Trustee, Treasurer, or Manager of such Society.

Buildings for the Purpose may be purchased or leased.

XVI. It shall be lawful for the Trustee or Trustees for the Time being of any Friendly Society formed and established under this Act or under any of the Acts hereby repealed, with the Consent of a Majority of the Members thereof present at a Special or General Meeting of the Society, to purchase, build, hire, or take upon Lease any Building for the Purpose of holding such Meetings, and to adapt and furnish the same, and to purchase or hold upon Lease any Land not exceeding One Acre for the said Purpose of erecting thereon a Building for holding the Meetings of the Society, and such Trustee or Trustees shall thereupon hold the same in trust for the Use of such Society; and, with the like Consent as aforesaid, such Trustee or Trustees may mortgage, sell, exchange, or let such Building or any Part thereof; and the Receipt in Writing of such Trustee, or One of such Trustees for the Time being, shall be a legal Discharge for the Money arising from such Mortgage, Sale, Exchange, or Letting; and no Mortgagee, Purchaser, Tenant, or Assignee shall be bound to inquire into or ascertain or prove the Consent aforesaid, to verify his Title: Provided always, that any Building purchased or appropriated for the Purpose aforesaid already belonging to or in the Possession of any Friendly Society heretofore formed and established under the said repealed Acts or any of them may be holden and dealt with as if it had been acquired under this Act; and the Land or Buildings which may be vested in the

Treasurer, Trustee, or other Officer thereof for the Time being shall thereupon vest in the Trustee or Trustees for the Time being of such Society, for the same Estate and Interest as the said Treasurer, Trustee, or other Officer may have therein, without any Conveyance or Assignment whatever.

Committee of Management.

XVII. It shall be lawful for the Members of any Society under this Act or under the said repealed Acts or any of them, or for a Majority of such Members present at any Meeting of the Society called specially for that Purpose, to nominate and appoint a Committee of General Management, to whom they may delegate all or any of the Powers of such Society relative to the Management thereof, or to the framing, amending, repealing, rescinding, or altering the Rules of such Society, or any of them.

As to the Appointment and Duties of Officers, and the Property of Societies, be it enacted,

Trustees, how appointed.

XVIII. Every Friendly Society established under this Act shall, at some Meeting of its Members, and by a Resolution of a Majority of the Members then present, nominate and appoint One or more Person or Persons to be Trustee or Trustees for the said Society and the like in the Case of any Vacancy in the said Office; and a Copy of the Resolution so appointing such Person or Persons to the Office of Trustee, and signed by such Trustee or Trustees and by the Secretary of the said Society, shall be sent to the Registrar, to be by him deposited with the Rules of the said Society in his Custody: Provided always, that where no Trustee shall have been appointed in any Society established under any One of the Acts hereby repealed, the Treasurer thereof, or other Person who has Custody of the Monies of such Society, shall be taken to be a Trustee, within the Meaning of this Act.

Property of the Society vested in them.

XIX. All Real and Personal Estate whatsoever belonging to any such Society established under this Act or any of the Acts hereby repealed shall be vested in such Trustee or Trustees for the Time being, for the Use and Benefit of such Society and the Members thereof, and the Real or Personal Estate of any Branch of a Society shall be vested in the Trustees of such Branch, and be exclusively under the Control of such Trustee or Trustees, their respective Executors or Administrators, according to their respective Claims and Interest, and upon the Death or Removal of any such Trustee or Trustees the same shall vest in the succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same

same Trusts, without any Conveyance or Assignment whatsoever, save and except in the Case of Stocks and Securities in the Public Funds of Great Britain and Ireland, which shall be transferred into the Name or Names of such new Trustee or Trustees; and in all Actions or Suits or Indictments, or Summary Proceedings before Magistrates, touching or concerning any such Property, the same shall be stated to be the Property of the Person or Persons for the Time being holding the said Office of Trustee, in his or their proper Name or Names, without any further Description.

Actions, &c. by or against them.

XX. The Trustee or Trustees so appointed as aforesaid are hereby authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution in any Court of Law or Equity, touching or concerning the Property, Right, or Claim to Property of the Society for which he or they are such Trustee or Trustees as aforesaid; and such Trustee or Trustees shall and may, in all Cases concerning the Real or Personal Property of such Society, sue and be sued, plead and be impleaded, in any Court of Law or Equity, in his or their proper Name or Names, as Trustee or Trustees of such Society, without other Description; and no such Action, Suit, or Prosecution shall be discontinued or shall abate by the Death of such Person, or his Removal from the Office of Trustee, but the same shall and may be proceeded in by or against the succeeding Trustee or Trustees in the proper Name of the Person commencing or defending the same; and such succeeding Trustee or Trustees shall pay or receive the like Costs as if the Action or Suit or Prosecution had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Society.

Limitation of his Responsibility.

XXI. Provided nevertheless, That no Trustee or Trustees of any such Society shall be liable to make good any Deficiency which may arise or happen in the Funds of such Society, but shall be liable only for the Monies which shall be actually received by him on account of such Society.

Treasurers, how appointed.

XXII. Every Friendly Society established under this Act shall, by its Rules or at some Meeting of the Society called specially for that Purpose, and by a Majority of the Members then present, appoint One or more fit and proper Person or Persons to be Treasurer or Treasurers of such Society, and afterwards, so often as the Office of Treasurer shall become vacant by Death or otherwise, they shall in like Manner appoint some fit and proper Person to the Office.

To give Security.

XXIII. The Treasurer of every such Society, and every Treasurer hereafter appointed in any Society established under any of the

repealed Acts, shall, before he take upon himself the Execution of his Office, become bound, with One sufficient Surety, in a Bond according to the Form set forth in the Schedule to this Act, in such penal Sum as the Society or the Committee of Management shall direct and appoint, conditioned for his just and faithful Execution of his said Office of Treasurer, and for rendering a just and true Account of all Monies received or paid by him on account of the said Society at such Times as the Rules of the said Society shall direct and appoint, and at such Times as he shall be required so to do by the Trustee or Trustees of the said Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at any Meeting of such Society; and every such Bond shall be given to the Trustee or Trustees of the said Society for the Time being; and if the same shall at any Time become forfeited, it shall be lawful for such Trustee or Trustees for the Time being to sue upon such Bond for the Use of such Society; and in Scotland such Bond shall have the same Force and Effect as a Bond there in use duly attested and completed, and containing a Clause of Registration for Execution as well as for Preservation in the Books of Council and Session and other Judges Books competent, and shall be registered in such Books accordingly, with a view to Diligence.

Treasurer to account.

XXIV. Every such Treasurer or other Officer, whether appointed before or after the passing of this Act, at such Times as by the Rules of such Society he should render such Account as aforesaid, or upon being required so to do by the Trustee or Trustees of such Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at a Meeting of the said Society as aforesaid, shall within Seven Days thereafter render to the Trustee or Trustees of the Society, or to the said Committee of Management, or to the Members of such Society at a Meeting of the Society, a just and true Account of all Monies received and paid by him since he last rendered the like Account, and of the Balance then remaining in his Hands, and of all Bonds or Securities of such Society, which Account the said Trustee or Trustees or Committee of Management shall cause to be audited by some fit and proper Person or Persons by them to be appointed; and such Treasurer, if thereunto required, upon the said Account being audited, shall forthwith hand over to the said Trustee or Trustees the Balance which on such Audit shall appear to be due from him, and shall also, if required, hand over to such Trustee or Trustees all Securities and Effects, Books, Papers, and Property of the said Society in his Hands or Custody; and if he fail to do so the Trustee or Trustees of the said Society may sue upon the Bond aforesaid, or may sue such Treasurer in

in the County Court of the District, or in any of the Superior Courts of Common Law, or in any other Court having Jurisdiction, for the Balance appearing to have been due from him upon the Account last rendered by him, and for all the Monies since received by him on account of the said Society, and for the Securities and Effects, Books, Papers, and Property in his Hands or Custody, leaving him to set off in such Action the Sums, if any, which he may have since paid on account of the said Society; and in such Action the said Trustee or Trustees shall be entitled to recover their full Costs of Suit, to be taxed as between Attorney and Client.

Property how recovered, if the Officer die, or become bankrupt or insolvent.

XXV. If any Person already appointed or employed or hereafter to be appointed or employed to or in any Office in any Friendly Society established under this Act or under any of the Acts hereby repealed, whether such Appointment or Employment was before or after the legal Establishment of such Society, and having in his Hands or Possession, by virtue of his Office, any Monies or Property whatsoever of such Society, or any Deeds or Securities belonging to such Society, shall die, or become bankrupt or insolvent, or have any Execution or Attachment or other Process issued against him or any Part of his Property, or shall have any Action or Diligence raised against his Lands, Goods, Chattels, or Effects, or Property or other Estate, heritable or moveable, or shall make any Assignment, Disposition, Assignation, or other Conveyance for the Benefit of his Creditors, the Heirs, Executors, Administrators, or Assignees of every such Officer, and every other Person having or claiming Right to the Property of such Officer, and the Sheriff or other Person executing such Process, and the Party using such Action or Diligence respectively, shall, upon Demand in Writing made by the Treasurer or by the Trustee or any Two of the Trustees of such Society, or any Person appointed at some Meeting of the Society to make such Demand, deliver and pay over all such Monies, Property, Deeds, and Securities belonging to such Society to such Person as such Treasurer or Trustees shall appoint, and shall pay, out of the Estate, Assets, or Effects, heritable or moveable, of such Officer, all Sums of Money due which such Officer shall have received, before any other of his Debts are paid, and before any other Claims upon him shall be satisfied, and before the Money directed to be levied by such Process as aforesaid, or which may be recovered or recoverable under such Diligence, is paid over to the Party issuing such Process or using such Diligence; and the Claims aforesaid of such Society shall be a primary Lien upon the Property of such Officer, and all his Assets, Lands, Goods, Chattels, Property, Estates, and Effects shall be bound to the Payment, Discharge, and Satisfaction of such Claims.

CLAUSE A. Punishment of Fraud in withholding Money, &c.

XXVI. If any Officer, Member, or other Person, being or representing himself to be a Member of such Society, or the Nominee, Executor, Administrator, or Assignee of a Member thereof, or any Person whatsoever, by false Representation or Imposition, shall obtain Possession of any Monies, Securities, Books, Papers, or other Effects of such Society, or having the same in his Possession shall wrongfully withhold or misapply the same, or shall wilfully apply any Part of the same to Purposes other than those expressed or directed in the Rules of such Society, or any Part thereof, it shall be lawful in England for any Justice of the Peace acting in the County or Borough in which the Place of Business of such Society shall be situated, upon Complaint made by any Person on behalf of such Society, to summon the Person against whom such Complaint is made to appear at a Time and Place to be named in such Summons; and any Two Justices present at the Time and Place mentioned in such Summons shall proceed to hear and determine the said Complaint, in manner directed by the Act passed in the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three; and in Scotland every such Offence may be prosecuted by summary Complaint at the Instance of the Procurator Fiscal of the County, or of the Society, with his Concurrence, before the Sheriff; and if the said Justices or Sheriffs respectively shall determine the said Complaint to be proved against such Person, they shall adjudge and order him to deliver up all such Monies, Securities, Books, Papers, or other Effects to the Society, or to repay the Amount of Money applied improperly, and to pay, if they think fit, a further Sum of Money not exceeding Twenty Pounds, together with Costs not exceeding Twenty Shillings; and, in default of such Delivery of Effects, or Repayment of such Amount of Money, or Payment of such Penalty and Costs aforesaid, the said Justices or Sheriffs may order the said Person so convicted to be imprisoned in the Common Gaol or House of Correction, with or without Hard Labour, for any Time not exceeding Three Months: Provided, that nothing herein contained shall prevent the said Society, or in Scotland Her Majesty's Advocate, from proceeding by Indictment against the said Party: Provided also, that no Person shall be proceeded against by Indictment if a Conviction shall have been previously obtained for the same Offence under the Provisions of this Act.

As to the Rules of Societies, be it enacted,

Rules to be made.

XXVII. Before any Friendly Society shall be established under this Act, the Persons intending to establish the same shall agree upon and frame a Set of Rules for the Regulation, Government, and Management of such Society, and in such Rules they shall, amongst other things, make Provision for the altering, amending, and rescinding the

the said Rules or any of them, and for making new Rules, when it shall be deemed necessary, and for imposing reasonable Fines and Forfeitures on any Member of such Society who shall offend against the said Rules or any of them, and for appointing a General Committee of Management of such Society, and delegating to such Committee all or any of the Powers given by this Act to the Members of Friendly Societies formed or established under or by virtue of the same; and such Rules shall set forth,

1. The Name and Place of Business of the Society:
2. The whole of the Objects for which the Society is to be established, the Purposes for which the Funds thereof shall be applicable, and the Conditions under which any Member may become entitled to any Benefit assured thereby:
3. The Manner of making Rules, altering, amending, and rescinding any Rules:
4. A Provision for the Appointment and Removal of a Trustee or Trustees, Treasurer, and Officers to prepare Returns required by this Act:
5. A Provision for an annual or periodical Audit of Accounts:
6. The Manner in which Disputes between the Society and any of its Members, or any Person claiming by or through any Member, shall be settled:

And the Rules of every such Society shall provide that all Monies received or paid on account of each and every particular Fund or Benefit assured to the Members thereof, their Husbands, Wives, Children, or Kindred, for which a separate Table of Contributions payable shall have been adopted, shall be entered in a separate Account, distinct from the Monies received and paid on account of any other Benefit or Fund, and also that a separate Account shall be kept to defray the Expenses of Management.

Copies to be sent to the Registrar, and his Certificate obtained.

XXVIII. Two printed or written Copies of such Rules, signed by Three of the intended Members and the Secretary or other Officer, shall be transmitted to the Registrar aforesaid, and the said Registrar shall advise with the Secretary or other Officer, if required, for the Purpose of ascertaining whether the said Rules are calculated to carry into effect the Intentions and Object of the Persons who desire to form such Society, and if the Registrar shall find that such Rules are in conformity with Law and with the Provisions of this Act, he shall give a Certificate in the Form set forth in the Schedule to this Act, and shall return One of the said Copies to the said Society, and shall keep the other in such Manner as shall from

Time to Time be directed by One of Her Majesty's Principal Secretaries of State, and for which Certificate no Fee shall be payable to the said Registrar; and all Rules, when so certified as aforesaid, shall be binding on the several Members of the said Society: Provided always, that it shall not be lawful for the said Registrar to grant any such Certificate to a Society assuring to any Member thereof a certain Annuity or Superannuation, deferred or immediate, unless the Tables of Contributions payable for such kind of Assurance shall have been certified under the Hand of the Actuary to the Commissioners for Reduction of the National Debt, or by an Actuary of some Life Assurance Company established in London, Edinburgh, or Dublin, who shall have exercised the Profession of Actuary for at least Five Years, and such Certificate be transmitted to the Registrar, together with the Copies of the Rules aforesaid.

Actuary's Certificate to be sent with the Copies in case of Tables of Annuities.

Rules may be altered, amended, rescinded, or new Rules made.

XXIX. After the Rules of a Friendly Society shall have been so certified by the Registrar as aforesaid, it shall be lawful for such Society, by Resolution at a Meeting specially called for that Purpose, to alter, amend, or rescind the same or any of them, or to make new Rules; and it shall be lawful for any Friendly Society formed and established under any of the Acts hereby repealed to alter, amend, or rescind the Rules by which their Society is governed, regulated, or managed, or to make new Rules: Provided always, that Two printed or written Copies of the proposed Alterations or Amendments, and of such new Rules, signed by Three Members of such Society, and the Secretary or other Officer, shall be transmitted to the said Registrar, to One of which shall be attached a Declaration by the Secretary or One of the Officers of such Society, that in making the same the Rules of such Society respecting the making, altering, amending, and rescinding Rules, or the Directions of the Act under which such Society was established, have been duly complied with; and if the said Registrar shall find that such Alterations, Amendments, or new Rules are in conformity with Law, he shall give to the Society a Certificate in the Form set forth in the Schedule to this Act, and return One of the Copies to the Society, and shall keep the other, with the Rules of such Society, in his Custody, and for which Certificate no Fee shall be payable to the said Registrar, and as against such Member and Person such Certificate shall be conclusive of the Validity thereof; and all Rules, Alterations, and Amendments, when so certified as aforesaid, shall be binding on the several Members of the said Society and all Persons claiming under them; but unless and until the same shall be so certified as aforesaid such Rules, Alterations, and Amendments shall have no Force or Validity whatsoever.

XXX. Whenever

When Place of Meeting is altered, Notice to be sent to Registrar.

XXX. Whenever any Friendly Society established under this Act or under any of the Acts hereby repealed shall change its Place of Business, written Notice of such Change, under the Hands of Two of the Trustees or Three Members, shall, within Fourteen Days thereafter, be sent to the said Registrar.

Circulating false Copies of Rules, &c. a Misdemeanor.

XXXI. If any Person shall give to any Member of a Friendly Society established under this Act or under any of the said repealed Acts, or to any Person intending or applying to become a Member of such Society, a Copy of any Rules, or of any Alterations or Amendments of the same, other than those respectively which have been enrolled with any Clerk of the Peace or certified by the Registrar, under colour that the same are binding upon the Members of such Society, or shall make any Alterations in or Addition to any of the Rules or Tables of such Society after they shall have been respectively enrolled or certified by the Registrar, and shall circulate the same, purporting that they have been duly enrolled or certified under this or any of the said repealed Acts, when in fact they have not been so duly enrolled or certified, every Person so offending shall be deemed guilty of a Misdemeanor.

Rules, how received in Evidence.

XXXII. All Rules and Tables of any Society established under this Act or any of the said repealed Acts, and all Alterations and Amendments thereof, and all Copies thereof or Extracts therefrom, and all Writings and Documents relating to a Friendly Society, and purporting to be signed by the Registrar, shall, in the Absence of any Evidence to the contrary, be received in all Courts of Law and Equity, and elsewhere, without Proof of the Signature thereto.

And as to Payments by Societies on Death of a Member, be it enacted,

On Death of Member, Sum under 50*l.* may be paid without Administration.

XXXIII. When, on the Death of any Member of a Society established under this Act or any of the said repealed Acts, a Sum of Money not exceeding Fifty Pounds shall become payable, the same shall be paid by the Trustees of such Society to the Person directed by the Rules thereof, or nominated by the Deceased, in Writing deposited with the Secretary (such Person being the Husband, Wife, Father, Mother, Child, Brother or Sister, Nephew or Niece of such Member); and in case there shall be no such Direction or Nomination, or the Person so nominated shall have died before the deceased Member, or in case the Member shall have revoked such Nomination, then such Sum shall be paid to the Person who shall appear to the said Trustees to be entitled to receive the same,

Indemnity to Trustees.

same, without taking out Letters of Administration in England or Ireland, and without Confirmation in Scotland: Provided, that wherever the Trustee or Trustees of any such Society, after the Decease of any Member thereof, shall have paid and divided any such Sum of Money to or amongst any Person or Persons who shall at the Time of such Payment appear to such Trustee or Trustees to be entitled to the Effects of any deceased Member who has died intestate, the Payment of any such Sum shall be valid and effectual with respect to any Demand from any other Person or Persons as next of Kin of such deceased Member, or as the lawful Representative or Representatives of such Member, against the Funds of such Society or against the Trustees thereof; but nevertheless such next of Kin or Representative shall have his or her lawful Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

And as to the Investment of the Property of Societies, be it enacted,

Funds, how invested.

XXXIV. The Trustee or Trustees of every Friendly Society established under this Act or any of the said repealed Acts may from Time to Time, with the Consent of the Committee of Management of such Society, or of a Majority of the Members of such Society present at a General or Special Meeting thereof, or in accordance with the Rules of such Society, invest the Funds of such Society, or any Part thereof, to any Amount, in any Savings Bank, or in the Public Funds, or with the Commissioners for the Reduction of the National Debt, as herein-after mentioned, or in such other Security as the Rule of such Society may direct, not being the Purchase of House or Land (save and except the Purchase of Buildings wherein to hold the Meetings or transact the Business of such Society, as herein-before mentioned,) and not being the Purchase of Shares in any Joint Stock Company or other Company, with or without Charter of Incorporation, and not being personal Security, except in the Case of a Member of One full Year's standing at least, and in respect of a Sum not exceeding One Half the Amount of his Assurance on Life, such Member providing the written Security of himself and Two satisfactory Sureties for Repayment, and in case of such Member's Death before Repayment the Amount of such Advance, with Interest, may be deducted from the Sum so assured, without prejudice in the meantime to the Operation of such Security.

Funds may be invested with the Commissioners of the National Debt.

XXXV. Every Friendly Society established under this Act, and every Friendly Society established under the said repealed Acts, which does not assure the Payment in any Event of a Sum exceeding Two hundred Pounds, or an Annuity exceeding Thirty Pounds per Annum,

Annum, may pay any Sum of Money not less than Fifty Pounds into the Bank of England, to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Trustee or of the Trustees, or any Two or more of them, that such Monies belong exclusively to the said Society; and the Cashier of the Bank of England is hereby required to receive all such Monies, and to place the same to the Account raised in the Name of the said Commissioners in the Book of the Bank, named "The Fund for Friendly Societies;" and if such Declaration shall not be true, then and in every such Case the Sum of Money so paid in on such Declaration shall be forfeited to the said Commissioners, and shall be applied by them in the Manner directed by any Act or Acts for the Time being in force relating to Savings Banks with respect to the Account of such Banks; and the Regulation of Receipts, Certificates, or Orders concerning Saving Banks shall be deemed applicable to Monies paid in as aforesaid under the Authority of this Act, as if the same had been herein repeated; and every such Society, on paying Money directly into the Bank as aforesaid, shall be entitled to receive Receipts bearing Interest at the Rate of Twopence per Centum per Diem: Provided, that every Society which shall deposit any Part of its Funds in any Savings Bank, or with the Commissioners for Reduction of the National Debt, shall furnish to the said Commissioners from Time to Time such Accounts as they may require in reference to the Funds so deposited.

CLAUSE B. What Interest old Societies shall have.

XXXVI. Every Society already established under any of the Acts hereby repealed, which shall have heretofore invested any Part of its Funds with the Commissioners for the Reduction of the National Debt, shall be entitled to pay into the Bank of England, in Sums of not less than Fifty Pounds, Money received from Members on account of Assurances made before the passing of this Act, and to receive Receipts for the same bearing Interest at such Rate or Rates as such Society has hitherto been entitled to receive on account of such Assurances; that is to say, for Money invested with the Commissioners by any Society legally established before the Twenty-eighth Day of July in the Year One thousand eight hundred and twenty-eight, on account of any Assurance made before the Fifteenth Day of August in the Year One thousand eight hundred and fifty, Threepence per Centum per Diem; and on account of any Assurance effected after that Day, Twopence per Centum per Diem; and for Money invested with the Commissioners by any Society established between the Twenty-eighth Day of July in the Year One thousand eight hundred and twenty-eight and the Fifteenth Day of August in the Year One thousand eight hundred and fifty, on account of Assurances made before the Fifteenth Day of August in the Year One thousand eight hundred and fifty, Twopence Halfpenny per

Centum per Diem; and on account of any Assurance effected after that Day, Twopence per Centum per Diem; and for Money invested with the Commissioners by any Society established since the Fifteenth Day of July One thousand eight hundred and fifty, the Sum of Twopence per Centum per Diem: Provided that the Trustees of every Society which shall have invested or shall invest any Part of its Funds with the said Commissioners shall furnish from Time to Time such Accounts and Returns as the said Commissioners shall require, and shall satisfy the said Commissioners that they are legally entitled to receive such Interest as aforesaid, and to make such further Investment.

Re-depositing of Money withdrawn.

XXXVII. Where any Friendly Society shall withdraw Money invested by them with the Commissioners for the Reduction of the National Debt, such Society shall not be entitled to re-deposit the same with the said Commissioners without the Consent of the said Commissioners, or of the Comptroller General or Assistant Comptroller under them.

Transfer of Stock.

XXXVIII. Whenever it shall happen that any Person in whose Name any Part of the several Stocks, Annuities, and Funds transferable at the Bank of England or Ireland, or in the Books of the Governor and Company of the Bank of England, is or shall be standing as a Trustee for any Society established under this Act or any Act hereby repealed, shall be out of England, or Ireland, or Scotland, respectively, or shall have been removed from his Office of Trustee, or shall be a Bankrupt, Insolvent, or Lunatic, or it shall be unknown whether such Trustee is living or dead, it shall be lawful for the Registrar, upon Proof thereof, and after receiving an Application in Writing from the Secretary of the Society and Three Members thereof, to direct the Accountant General or other proper Officer for the Time being of the said Governor and Company of the Bank of England to transfer in the Books of the said Company such Stocks, Annuities, or Funds standing as aforesaid into the Name of the Trustee who shall be newly appointed, and to pay to him from Time to Time the Dividends thereof; and if One of Two or more such Trustees shall die, or be removed from his Office of Trustee, or become bankrupt or insolvent, it shall be lawful for the Registrar, on the like Application, to direct that the other or others of the Trustees shall transfer such Stock, Annuities, or Funds into the Name of such Person as may have been appointed in his Stead, jointly with the continuing Trustee or Trustees.

And as to the Exemption of Societies from Stamp Duties, be it enacted:

Power of Attorney, &c. not liable to Stamp Duty.

XXXIX. No Copy of Rules, nor Power, Warrant, or Letter of Attorney granted by any Person as Trustee of any Society established under

under this Act or any of the Acts hereby repealed, for the Transfer of any Share in the Public Funds standing in the Name of such Trustee, nor any Order or Receipt for Money contributed to or received from the Funds of any such Society, by any Person liable or entitled to pay or receive the same by virtue of the Rules thereof or of this Act, nor any Bond to be given to or on account of any such Society, or by the Treasurer or any Officer thereof, nor any Draft or Order, nor any Form of Policy, nor any Appointment of any Agent, nor any Certificate or other Instrument for the Revocation of any such Appointment, nor any other Document whatever required or authorized by or in pursuance of this Act or the Rules of any Society, shall be liable to Stamp Duty: Provided, that no Exemption from any of the Duties granted by any Act or Acts relating to Stamp Duties shall be deemed to extend to any Society which shall assure the Payment of Money exceeding Two hundred Pounds, or which shall assure the Payment of any Money on the Death of a Member to any Person, except Executors, Administrators, or Assigns of such Member, or Persons recited in the Thirty-third Section of this Act, and nominated as therein mentioned: Provided also, that no Exemption from Stamp Duty, other than such as is contained in Section Eight of the Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His Majesty King William the Fourth, Chapter Thirty-two, shall extend to any Benefit Building Society.

Limitation of Exemptions to Societies not assuring above 100*l.*

CLAUSE C.

XL. If any Person shall become a Member of more than One Society, whereby certain Benefits shall accrue on account of the same Kind of Assurance from more than One Society, it shall not be lawful for him, or for any Person entitled through or under him or by reason of his Membership, or for any Number of such Persons in the aggregate, to receive more than Two hundred Pounds, or, in the Case of Annuities, Fifty Pounds a Year, from such Societies; and in any Case where a Person shall so as aforesaid be a Member of more than One Society, and he, or any other Person or Persons, shall be entitled to any Benefit in gross or by way of Annuity from any such Society, he, or (as the Circumstances may require) every such other Person, shall, before he shall receive any such Benefit from any of such Societies, make and sign a Declaration that the total Value of all Benefits accruing or which shall have accrued in respect of any One Kind of Assurance does not exceed the Value of Two hundred Pounds, or, in the Case of Annuities, Fifty Pounds a Year; and it shall be lawful for any Society to require any Member or any other Person who shall be entitled to any such Benefit, before he shall receive the same, to make and sign a Declaration to the same Effect, or that such Member was not, when the Benefit accrued, a Member of any other

No Member to receive more than 200*l.* or 50*l.* a Year, from any Number of Societies.

Association; and if any Person shall knowingly make any false or fraudulent Declaration in any such Case he shall be guilty of Misdemeanor.

Trustees may subscribe to a Hospital or Provident Institution.

XLI. The Trustees of such Society may, out of the Funds thereof, subscribe to any Hospital, Infirmary, Charitable or other Provident Institution, such annual or other Sum as may be agreed upon by the Committee of Management, or by a Majority of the Members at a Meeting called for that Purpose, in consideration of any Member of such Society, his Wife, Child, or Relative, being eligible to receive the Benefits of such Hospital or other Institution, according to the Rules thereof.

As to the Determination of Disputes between Friendly Societies and their Members and others, be it enacted:

As to the Determination of Disputes according to the Rules.

XLII. Every Dispute between any Member or Members of any Society established under this Act or any of the Acts hereby repealed, or any Person claiming through or under a Member, and the Trustee, Treasurer, or other Officer, or the Committee thereof, shall be decided in manner directed by the Rules of such Society, and the Decision so made shall be binding and conclusive on all Parties, without Appeal; and if either of the said Parties shall refuse or neglect to comply with or conform to the Decision, or if no Decision shall be made within Seven Days after the next Quarterly Meeting of the Society after Complaint made to the Secretary of the Society, or if the Rules shall direct Disputes to be settled by Justices, then in any of the said Cases any Two Justices of the Peace of the County, Riding, or Borough in which the usual or principal Place of Business of the Society shall be situate may enforce such Decision, or hear and determine such Dispute, as the Case may be, and make an Order thereupon for Payment of Money, if they shall think fit, and shall have the same Powers to enforce such Order as is herein-before enacted for the Punishment of Fraud.

In what Cases by the County Court

XLIII. In all Friendly Societies established under this Act or any of the said repealed Acts, all Applications for the Removal of any Trustee, or for any other Relief, Order, or Direction, or for the Settlement of Disputes that may arise in any Society the Rules of which do not prescribe any other Mode of settling such Disputes, shall be made to the County Court of the District within which the usual or principal Place of Business of the Society shall be situate; and such Court shall, upon the Application of any Person interested in the Matter, entertain such Application, and give such Relief, and make such Orders and Directions in relation to the Matter of such Application, as herein-after mentioned, or as may now be given or made by the Court of Chancery in respect either of its ordinary or its special

special or statutory Jurisdiction; and the Decision of such County Court upon and in relation to such Application as aforesaid shall not be subject to any Appeal: Provided always, that in Scotland the Sheriff within his County, and in Ireland the Assistant Barrister within his District, shall have the same Jurisdiction as is hereby given to the Judge of a County Court.

Order of County Court, how enforced.

XLIV. In all Cases where the Order of such County Court shall be for the Payment of Money, the same may be enforced in the same Manner as the ordinary Judgments of such Court are enforced; but where the Order of the said Court shall be for the doing of some Act, not being for the Payment of Money, it shall be lawful for the Judge of such County Court in his said Order to order the Party to do such Act, or that in default of his doing it he shall pay a certain Sum of Money; and in case he refuse or neglect to do the Act required, upon Demand in that Behalf, the Sum of Money or Penalty in the said Order may then be recovered in the same Manner as a Judgment for Debt or Damages in such Court; and it shall not be lawful to remove the same by Certiorari or other Writ or Process to any Superior Court of Record.

Lord Chancellor may make Orders for regulating the Proceedings in this respect.

XLV. Provided, however, That the Lord Chancellor may make such Orders for regulating the Proceedings by and before the Judges of County Courts under this Act as he may think fit; and in Scotland the Court of Session shall have the like Power by Act of Sederunt as regards Proceedings before Sheriffs under this Act; and, subject to such Orders and Acts of Sederunt respectively, such Judges and Sheriffs may regulate the Proceedings before them respectively so as to render them as summary and inexpensive as conveniently may be.

In the Case of Societies whose Rules are not certified, Disputes between the Society and its own Members to be settled as in Cases of certified Societies.

XLVI. In the Case of any Friendly Society established for any of the Purposes mentioned in Clause IX. of this Act, or for any Purpose which is not illegal, having written or printed Rules, whose Rules have not been certified by the Registrar, provided a Copy of such Rules shall have been deposited with the Registrar, every Dispute between any Member or Members of such Society, and the Trustees, Treasurer, or other Officer, or the Committee of such Society, shall be decided in manner herein-before provided with respect to Disputes, and the Decision thereof, in the Case of Societies to be established under this Act, and the Clauses in this Bill provided for such Decision, and also the Clause in this Act which enacts a Punishment in case of Fraud or Imposition by an Officer, Member, or Person, shall be applicable to such uncertified Societies: Provided always, that nothing herein contained shall be construed to confer on any such Society whose Rules shall not have been certified by the Registrar, or any of the Members or Officers of such Society, any of the Powers,

Exemptions, or Facilities of this Act, save and except as in and by this Section is expressly provided.

As to Returns to be made by Societies, be it enacted:

Returns to the Commissioners, when and how to be made.

XLVII. The Trustees of Friendly Societies established under this Act or under any of the repealed Acts, or the Officer thereof appointed to prepare Returns, shall, once in every Year, in the Months of January, February, or March, transmit to the Registrar a General Statement of the Funds and Effects of such Society during the past Twelve Months, or a Copy of the last annual Report of such Society, and shall also, within Three Months after the Expiration of the Month of December One thousand eight hundred and fifty-five, and so again within Three Months after the Expiration of every Five Years succeeding, transmit to the said Registrar a Return of the Rate or Amount of Sickness and Mortality experienced by such Society within the preceding Five Years, in such Form as shall be prepared by the said Registrar, and an Abstract of the same shall be laid before Parliament; and the Registrar shall also lay before Parliament every Year a Report of his Proceedings, in his Office of Registrar, and of the principal Matters transacted by Friendly Societies which have come under his Cognizance during the past Year.

Interpretation Clause.

XLVIII. The following Words herein-after named are herein used and applied in the Manner following respectively; namely, the Words "Justice of the Peace" shall mean a Justice of the Peace for the County, Riding, Division, Borough, City, Liberty, or Place in which the Place of Meeting of the Society shall be situate according to the Rules, or the County, Riding, Division, Borough, City, Liberty, or Place adjacent thereto, or in which the Offender shall reside; the Word "Registrar" shall mean the Registrar of Friendly Societies in England, Scotland, or Ireland, as the Case may be; the Word "County Court" shall mean every County Court holden or established, or to be holden or established, under the Act of the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, or any Act or Acts passed or to be passed for the Alteration or Extension of the same Act, and every Judge of any such Court; and the Word "Society" shall extend to and include every Branch of a Society, by whatever Name it may be designated; and the Words "Committee of Management" shall mean the Body of Persons appointed to manage and direct the Affairs of the Society, by whatever Name such Body may be called; and the Word "Secretary" shall mean the Clerk or Person who keeps the Accounts of the Society.

Extension of Act.

XLIX. This Act shall extend to Great Britain, Ireland, and Berwick-upon-Tweed, and the Isles of Jersey, Guernsey, Alderney, Sark, and Man.

SCHE-

SCHEDULE referred to by the foregoing Act.

Form of Registrar's Certificate to Rules of Friendly Societies.

I hereby certify, That the foregoing Rules of the Society at in the County of are in conformity with Law, and that the Society is duly established from the present Date, and is subject to the Provisions and entitled to the Privileges of the Acts relating to Friendly Societies.

The Members of the Society must be responsible to each other for the Accuracy, Sufficiency, and Expediency of the Rules and Tables adopted by them. The Registrar hereby certifies only that the Rules are in accordance with the Law.

Form of Certificate of Medical Practitioner.

I hereby certify, That aged Years, late of died on the Day of and that I consider the probable Cause of his *or* her Death to have been

(Signed) *Profession.*
Residence.

Day of .

Form of Bond.

Know all Men by these Presents, That we, *A.B.* of Treasurer [*or* Steward, *&c.*] of the Society, established at in the County of and *C.D.* of (as Surety on behalf of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of , *C.D.* of , and *E.F.* of , the Trustees of the said Society, in the Sum of to be paid to the said *A.B.*, *C.D.*, and *E.F.* as such Trustees, or their Successors, Trustees for the Time being, or their certain Attorney, for which Payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and

each of our Heirs, Executors, and Administrators, firmly by these Presents, sealed with our Seals. Dated the Day of in the Year of our Lord .

Whereas the above-bounden *A.B.* hath been duly appointed Treasurer [*or* Steward, *&c.*] of the Society, established as aforesaid, and he, together with the above-bounden *C.D.* as his Surety, have entered into the above-written Bond, subject to the Condition herein-after contained: Now therefore the Condition of the above-written Bond is such, that if the said *A.B.* shall and do justly and faithfully execute his Office of Treasurer [*or* Steward, *&c.*] of the said Society established as aforesaid, and shall and do render a just and true Account of all Monies received and paid by him, and shall and do pay over all the Monies remaining in his Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property of or belonging to the said Society in his Hands or Custody, to such Person or Persons as the said Society shall appoint, according to the Rules of the said Society, together with the proper or legal Receipts or Vouchers for such Payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his Office of Treasurer [*or* Steward, *&c.*] to the said Society according to the Rules thereof, then the above-written Bond shall be void and of no Effect; otherwise shall be and remain in full force and virtue.

Friendly Societies.

A

BILL

[AS AMENDED BY THE COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

To consolidate and amend the Law relating to Friendly Societies.

(*Prepared and brought in by Mr. Sotheron, Mr. Bonham Carter, and Mr. Adderley.*)

Ordered, by The House of Commons, *to be Printed*, 27 *April* 1855.

[Bill 98.]

Under 3 oz.

Friendly Societies Bill.

[AS AMENDED BY THE LORDS.]

ARRANGEMENT OF CLAUSES.

SECT.

I. Acts inserted in First Schedule repealed.

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II. Societies under former Acts to continue.
III. Their Rules to continue in force, and Enrolments to be sent to the Registrar.
IV. All their Contracts, and all Bonds to them, to continue in force.
V. Their Exemptions and Privileges under this Act.

As to Registrars.

VI. How and by whom appointed.
VII. Their Salaries.
VIII. Their Expenses of Office.

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2. For Relief in Sickness.
3. For other Purpose authorized by the Commissioners.
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XI. Benevolent Societies, in what Case entitled to the Benefits of this Act.
XII. Statutes as to unlawful Oaths not to extend to Societies under this Act or any repealed Acts.
XIII. Societies, how dissolved.
XIV. Societies may unite with others, or One Society may transfer its Engagement to another.
XV. Minors may be elected as Members.
XVI. Buildings for the Purpose of holding Meetings may be purchased or leased.
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XVIII. Trustees, how appointed.
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XX. Actions, &c. by or against them.
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XXII. Treasurer, how appointed.
XXIII. Treasurer to give Security.
XXIV. Treasurer to account.
XXV. Property how recovered, if the Officer die or become bankrupt or insolvent.
XXVI. Punishment of Fraud in withholding Money.

As to the Rules of the said Societies.

XXVII. Rules to be made.
XXVIII. Copies to be sent to the Registrar, and his Certificate obtained. Actuary's Certificate to be sent with the Copies in case of Tables of Annuities.
XXIX. Rules may be altered, amended, rescinded, or new Rules made.
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XXXII. Rules to be received in Evidence.

As to Receipts and Payments by such Societies,

XXXIII. On Death of Member, Sum under 50*l.* may be paid without Administration. Indemnity to Trustee.

As to the Property of Friendly Societies, and how the same shall be invested.

XXXIV. Funds, how invested.
XXXV. Funds may be invested with the Commissioners of the National Debt.
XXXVI. What Interest old Societies shall have.
XXXVII. Re-depositing of Money withdrawn.
XXXVIII. Transfer of Stock.

As to Exemption of Societies from Stamp Duties.

SECT.
XXXIX. Power of Attorney, &c. not liable to Stamp Duties; Limitation of Exemptions to Societies not assuring above 200*l.*
XL. No Member to receive more than 200*l.*, or 30*l.* a Year, from any Number of Societies.
XLI. Trustees may subscribe to Hospital or other Provident Institution.

As to the Determination of Disputes.

XLII. Disputes shall be settled according to the Rules.
XLIII. In what Cases by County Court.
XLIV. Orders of County Court, how enforced.
XLV. Lord Chancellor may make Orders for regulating the Proceedings in this respect.
XLVI. In the Case of Societies whose Rules are not certified, Disputes between the Society and its own Members to be settled as in the Case of certified Societies.

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XLVII. Returns to the Registrar, when and how to be made.
XLVIII. Certain Societies established for granting annual Payments to Nominees before the Year 1850 to have Privileges of this Act.
XLIX. Extra Contribution may be demanded of a Member serving in the Militia.
L. Act to apply to Societies constituted under the Industrial and Provident Societies Act, 1852.
LI. Interpretation Clause.
LII. Extension of Act.
Commencement of Act.

SCHEDULES.

A

B I L L

[[AS AMENDED BY THE LORDS]

INTITULED

An Act to consolidate and amend the Law relating to Friendly Societies.

[Note.—The Words in Red Ink were inserted, and the Words in *Italics* were struck out by the Lords.]

WHEREAS it would conduce to the Improvement of the Law relating to Friendly Societies if the several Statutes relating thereto were consolidated, and certain Additions and Alterations were made therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

I. *That from and after the First Day of October in the Year One thousand eight hundred and fifty-five, the following Statutes, that is to say, the Thirty-third of George the Third, Chapter Fifty-four, the Thirty-fifth of George the Third, Chapter One hundred and eleven, the Forty-third of George the Third, Chapter One hundred and eleven, the Forty-ninth of George the Third, Chapter Fifty-eight, the Forty-ninth of George the Third, Chapter One hundred and twenty-five, the Fifty-ninth of George the Third, Chapter One hundred and twenty-eight, the Sixth of George the Fourth, Chapter Seventy-four (so far as the same relates to Friendly Societies), the* Tenth

Repeal of former Acts,
33 G. 3. c. 54.
35 G. 3. c. 111.
43 G. 3. c. 111.
49 G. 3. c. 58.
49 G. 3. c. 125.
59 G. 3. c. 128.
6 G. 4. c. 74.
10 G. 4. c. 56.
2 W. 4. c. 37.
4 & 5 W. 4. c. 40.
3 & 4 Vict. c. 73.

9 & 10 Vict. c. 27. *13 & 14 Vict. c. 115.* *15 & 16 Vict. c. 65.* *16 & 17 Vict. c. 123.* *17 & 18 Vict. c. 101.*

Tenth of George the Fourth, Chapter Fifty-sixth, the Second of William the Fourth, Chapter Thirty-seven, the Fourth and Fifth of William the Fourth, Chapter Forty, the Third and Fourth of Her present Majesty, Chapter Seventy-three, the Ninth and Tenth of Her present Majesty, Chapter Twenty-seven, the Thirteenth and Fourteenth of Her present Majesty, Chapter One hundred and fifteen, the Fifteenth and Sixteenth of Her present Majesty, Chapter Sixty-five, the Sixteenth and Seventeenth of Her present Majesty, Chapter One hundred and twenty-three, the Seventeenth and Eighteenth of Her present Majesty, Chapter One hundred and one, shall be and the same are hereby repealed, There shall be hereby repealed the several Acts or Parts of Acts set forth in the First Schedule hereto, save and except as to any Offences committed, or Penalties or Liabilities incurred, or Bond or Security given, or Proceedings taken, under the same, before the Commencement of this Act.

Societies under former Acts to continue.

II. Provided nevertheless, That, notwithstanding the Repeal of the said several Statutes, every Friendly Society now subsisting, which heretofore had been formed and established under the said Acts or any of them, shall still be deemed to be and shall continue to be a subsisting Society, as fully as if this Act had not been made, unless and until such Society shall be dissolved, or united with some other Society as herein-after mentioned.

Their Rules to continue in force, and Enrolments to be sent to Registrar.

III. Provided also, That the Rules of every such subsisting Society hitherto formed and established, which have been hitherto confirmed, registered, or certified under the said Acts or any of them, shall be deemed valid and in force until the same shall be altered or rescinded as herein-after mentioned; and all Transcripts of any of such Rules which are now filed with the Rolls of the Sessions of the Peace of any County, Riding or Division, City or Borough, Liberty or Place, shall be taken off the File, and shall be transmitted, on or before the First Day of November One thousand eight hundred and fifty-five, to the Registrar under this Act, to be by him kept in such Manner as shall be directed from Time to Time by One of Her Majesty's Secretaries of State in that Behalf.

All their Contracts, and all Bonds, &c. to them, to continue in force.

IV. Provided also, That all Contracts and Engagements by or with any of the said Societies now valid and in force, and all Bonds and Securities heretofore given by any Trustee, Treasurer, or other Officer of any such Society, shall continue and be valid and in force notwithstanding the Repeal of the said Acts.

Their Exemptions, Powers, and

V. All such subsisting Societies, whose Rules have heretofore been confirmed, registered, or certified under the said Acts or any of

of them, shall, so long as they shall not hereafter effect an Assurance to any Member thereof, or other Person, of any Sum exceeding Two hundred Pounds or of any Annuity exceeding *Fifty* Thirty Pounds per Annum, enjoy all the Exemptions and Privileges by this Act conferred on Societies to be established under the Provisions of this Act, as fully as if they had been registered and certified under this Act as herein-after mentioned. Privileges under this Act.

As to the Registrars, be it enacted, *Registrars.*

VI. For the Purposes of this Act, there shall be Three Registrars of Friendly Societies, One for England, One for Scotland, and One for Ireland, who shall hold their respective Offices during the Pleasure of the Commissioners for the Reduction of the National Debt; and upon the Death, Resignation, or Removal of any One of them, the said Commissioners shall appoint another, being a Barrister in England or Ireland, and in Scotland an Advocate, of not less than Seven Years standing, to the said Office. Registrars, how and by whom appointed.

VII. It shall be lawful for the Commissioners of Her Majesty's Treasury to pay to the present Registrar for England a Salary equal to that which has been paid to him yearly in each of the Three last Years, not exceeding One thousand Pounds per Annum, and to pay to any Registrar hereafter to be appointed for England a Salary not exceeding Eight hundred Pounds a Year, and to pay to the Registrars for Scotland and Ireland respectively a Salary such as the said Commissioners shall direct not exceeding One hundred and fifty Pounds a Year, every such Salary to be paid by Four equal quarterly Payments; and any of the said Registrars who shall be appointed, or who shall die, resign, or be removed from his Office, in the Interval between Two quarterly Days of Payment, shall be entitled to a proportionate Part of his Salary, and such Salaries and proportionate Parts of Salaries shall be paid out of such Monies as shall be provided by Parliament for that Purpose. Their Salaries.

VIII. The said Commissioners of Her Majesty's Treasury shall out of such Monies as may be provided by Parliament for the Purpose pay to the said Registrars respectively such Sum as will defray the Expenses allowed by the said Commissioners from Time to Time for Office Rent, Salaries of Clerks, Stationery, Computation of Tables, and for such other Expenses as may be incurred by them respectively. Their Expenses of Office, &c.

As to Friendly Societies hereafter.

As to the Formation and Establishment of Friendly Societies hereafter, be it enacted,

How and for what Purpose formed.

IX. It shall be lawful for any Number of Persons to form and establish a Friendly Society, under the Provisions of this Act, for the Purpose of raising by voluntary Subscriptions of the Members thereof, with or without the Aid of Donations, a Fund for any of the following Objects; (that is to say,)

For Payments on Death.

1. For insuring a Sum of Money to be paid on the Birth of a Member's Child, or on the Death of a Member, *his Wife or Child*, or for the Funeral Expenses of the Wife or Child of a Member:

For Relief in Sickness, &c.

2. For the Relief or Maintenance of the Members, their Husbands, Wives, Children, *or Kindred*, Brothers or Sisters, Nephews or Nieces, in old Age, Sickness, or Widowhood, or the Endowment of Members or Nominees of Members at any Age:

For other Purpose authorized by the Commissioners.

3. For any Purpose which shall be authorized by One of Her Majesty's Principal Secretaries of State, or in Scotland by the Lord Advocate, as a Purpose to which the Powers and Facilities of this Act ought to be extended:

Provided, that *a Society established under this Act shall not assure the Payment of* no Member shall subscribe or contract for an Annuity exceeding *Fifty* Thirty Pounds per Annum, *nor of* or a Sum payable on *the* Death *of any Person*, or on any other Contingency, exceeding Two hundred Pounds:

And if such Persons so intending to form and establish such Society shall *frame* transmit Rules for the Government, Guidance, and Regulation of the same, *and shall transmit the same* to the Registrar aforesaid, and shall obtain his Certificate that the same are in conformity *to* with Law as herein-after mentioned, then the said Society shall be deemed to be fully formed and established from the Date of the said Certificate.

No Money to be paid on the Death of a Child without a Copy of Entry of the Registrar of Births and Deaths, nor to exceed 6*l.* if the Child is under Five Years of Age, nor 10*l.* if above Five

X. In any Society in which a Sum of Money may be insured payable on the Death of a Child under Ten Years of Age, it shall not be lawful to pay any Sum *on the Death* for the Funeral Expenses of such Child, except upon Production of a Copy of the Entry in the Register of *Births and* Deaths, signed by the Registrar of the District in which the Child shall have died; and if such Entry shall not state that the Cause of Death has *not* been certified by a qualified Medical Practitioner, or by a Coroner, a Certificate signed by a qualified Medical Practitioner, *in the Form set forth in the Schedule of this Act, shall forthwith be procured*, stating the probable Cause of Death, shall be required, and it shall not be lawful in that Case to pay any Sum

Sum without such Certificate; and *if any* no Trustee or Officer of any Society, upon an Insurance of a Sum payable *on the Death of a* for the Funeral Expenses of any such Child made after the passing of this Act, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society *on the Death of a Child under the Age of Five Years to a Sum exceeding Six Pounds, or of a Child between Five and Ten Years to a Sum exceeding Ten Pounds, or* for the Funeral Expenses of such Child to a Sum exceeding the Amount of the Funeral Expenses actually incurred, and the Sum or Sums so to be paid shall be paid only to the Person by whom such Funeral has been performed, or otherwise to the Person or Persons having paid such Expenses, and who shall produce proper Receipts or Vouchers for such Payment, and any such Trustee or Officer who shall make any such Payment otherwise than as aforesaid, or who shall pay any Sum without endorsing the Amount which he shall pay on the Back or at the Foot of the Copy of Entry signed by the said Registrar, *he* shall be liable to a Penalty not exceeding Five Pounds for every such Offence, upon Conviction thereof before Two Justices of the County or Borough in which such Death shall have taken place: The said Registrar shall be entitled to receive, upon Delivery of such Copy of Entry, for the Purpose of receiving Money from a Friendly Society, a Fee of One Shilling, and it shall not be lawful for him to deliver more than One such Copy for such Purpose, except by the Order of a Justice of the Peace.

and under Ten Years of Age.

XI. And whereas many Provident, Benevolent, and Charitable Institutions and Societies are formed and may be formed for the Purpose of relieving the physical Wants and Necessities of Persons in poor Circumstances, or for improving the Dwellings of the Labouring Classes, or for granting Pensions, or for providing Habitations for the Members or other Persons elected by them, and it is expedient to afford *some* Protection to the Funds thereof: Be it enacted, That if Two *written or printed* Copies of the Rules of any such Institution or Society, and from Time to Time the like Copies of any Alterations or Amendments made in the same, signed by Three Members and the Secretary thereof, shall be transmitted to the Registrar aforesaid, such Registrar shall, if he shall find that the same are not repugnant to Law, give a Certificate to that Effect; and thereupon the following Sections of this Act, that is to say, the Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, and Twenty-second, Fortieth, Forty-first, Forty-second, and Forty-third, *Forty-fourth, and Forty-fifth*, shall extend and be applicable to the said Institution and Society, as fully as if the same were a Society established under this Act.

Benevolent Societies, in what Case entitled to the Benefits of this Act.

Statutes as to unlawful Oaths not to extend to Societies under this Act or any repealed Acts.

XII. The Act of the Thirty-ninth of George the Third, Chapter Seventy-nine, and the Act of the *Forty* Fifty-seventh of George the Third, Chapter Nineteen, and also the Act of the Fourteenth and Fifteenth of Her present Majesty, Chapter Forty-eight, relating to unlawful Oaths in Ireland, shall not extend to any Society established under this Act or any of the Acts hereby repealed, or to any Meeting of the Members or Officers thereof in which Society or at which Meeting no Business whatever is transacted other than that which directly and immediately relates to the Objects of the Society as declared in the Rules thereof, and set forth in the certified Copy thereof: Provided, that the Trustees or other Officers of the Society, when required under the Hands of Two of Her Majesty's Justices of the Peace, shall give full Information to such Justices of the Nature, Objects, Proceedings, and Practices of such Society, and in default thereof the Provisions of, the Acts herein recited shall be in force in respect of such Society.

Societies, how dissolved.

XIII. It shall be lawful for the Members of any Society heretofore formed and established, or hereafter to be formed and established at some Meeting thereof to be specially called in that Behalf, to dissolve or determine the same by Consent: Provided that no Society established under this or any Act relating to Friendly Societies shall be dissolved or determined without obtaining the Votes of Consent of Five Sixths in Value of the then existing Members hereof, including the honorary Members, if any, to be ascertained in manner herein-after mentioned, nor without the Consent of all Persons, if any, then receiving or then entitled to receive any Relief, Annuity, or other Benefit from the Funds thereof, to be testified under their Hands individually and respectively, unless the Claim of every such Person be first duly satisfied, or adequate Provision made for satisfying such Claim; and for the Purpose of ascertaining the Votes of such Five Sixths in Value of the Numbers as aforesaid, every Member shall be entitled to One Vote, and an additional Vote for every Five Years that he may have been a Member, but no One Member shall have more than Five Votes in the whole; and the intended Appropriation or Division of the Funds or other Property shall be fairly and distinctly stated in the Agreement for Dissolution prior to such Consent being given; and the Agreement for such Dissolution, duly signed as aforesaid, accompanied with a statutory Declaration by One of the Trustees, or by Three Members and the Secretary, taken before a Justice of the Peace, that the Provisions of this Act have been complied with, shall be forthwith transmitted to the Registrar, to be by him deposited with the Rules of the Society, and such Agreement shall thereupon be an effectual Discharge at Law and in Equity to the Trustees,

Trustees, Treasurers, and other Officers of such Society, and shall operate as a Release from all the Members of the Society to such Trustees, Treasurers, and other Officers; and it shall not be lawful in any Society to direct a Division or Appropriation of any Part of the Stock thereof, except for the Purpose of carrying into effect the general Interests and Objects declared in the Rules as originally certified, unless the Claim of every Member is first duly satisfied, or adequate Provision be made for satisfying such Claims; and in case any Member of such Society shall be dissatisfied with such Provision, it shall be lawful for him or her to apply to the Judge of the County Court of the District within which the usual Place of Business of the Society is situated for Relief or other Order; and the said Judge shall have the same Powers to entertain such Application, and to make such Order or Direction in relation thereto, as he may think the Justice of the Case may require, as hereinafter is enacted in regard to the Settlement of Disputes; and in the event of the Dissolution or Determination of any Society, or the Division or Appropriation of the Funds thereof, except in the Way herein-before provided, any Trustee or other Officer or Person aiding or abetting therein shall, on Conviction thereof by Two Justices, be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Term not exceeding Three Calendar Months, as to such Justices shall seem meet.

Societies may unite with others, or One Society may transfer its Engagements to another.

XIV. It shall be lawful for any Two or more Societies established under this or any of the Acts hereby repealed to unite and become incorporated in One Society, with or without any Dissolution or Division of the Funds of such Societies or either of them; or a Society formed and established under this Act or any of the said repealed Acts may be allowed to transfer its Engagements to any other Friendly Society, if any other such Society shall undertake to fulfil the Engagements of such Society, upon such Terms as shall be agreed upon by the major Part of the Trustees, and also of the Committee of Management of both Societies, or the Majority of the Members of each of such Societies at a General Meeting convened for the Purpose.

Minors may be elected.

XV. A Person under the Age of Twenty-one may be elected or admitted as a Member of any Society established under this Act or any of the Acts hereby repealed, the Rules of which do not prohibit such Election, and may and he is hereby empowered to execute all necessary Instruments and to give all necessary Acquittances: Provided always, that during his Nonage he shall not be competent to hold any Office of Director, Trustee, Treasurer, or Manager of such Society.

Buildings for the Purpose may be purchased or leased.

XVI. It shall be lawful for the Trustee or Trustees for the Time being of any Friendly Society formed and established under this Act or under any of the Acts hereby repealed, with the Consent of a Majority of the Members thereof present at a Special or General Meeting of the Society, to purchase, build, hire, or take upon Lease any Building for the Purpose of holding such Meetings, and to adapt and furnish the same, and to purchase or hold upon Lease any Land not exceeding One Acre for the said Purpose of erecting thereon a Building for holding the Meetings of the Society, and such Trustee or Trustees shall thereupon hold the same in trust for the Use of such Society; and, with the like Consent as aforesaid, such Trustee or Trustees may mortgage, sell, exchange, or let such Building or any Part thereof; and the Receipt in Writing of such Trustee, or One of such Trustees for the Time being, shall be a legal Discharge for the Money arising from such Mortgage, Sale, Exchange, or Letting; and no Mortgagee, Purchaser, Tenant, or Assignee shall be bound to inquire into or ascertain or prove the Consent aforesaid, to verify his Title: Provided always, that any Building purchased or appropriated for the Purpose aforesaid already belonging to or in the Possession of any Friendly Society heretofore formed and established under the said repealed Acts or any of them may be holden and dealt with as if it had been acquired under this Act; and the Land or Buildings which may be vested in the Treasurer, Trustee, or other Officer thereof for the Time being shall thereupon vest in the Trustee or Trustees for the Time being of such Society, for the same Estate and Interest as the said Treasurer, Trustee, or other Officer may have therein, without any Conveyance or Assignment whatever: Provided nevertheless, that all Money spent *for the Purposes of this Clause to purchase, build, hire, or take* in purchasing, building, hiring, or taking upon Lease any Building for the Purpose of holding such Meetings, and *to adapt and furnish* in adapting and furnishing the same, be raised according to the Rules of the Society on such Behalf inserted; and this *Clause* Section shall apply to any Society registered under the Industrial and Provident Societies Act, 1852, and to any Building or Land to be purchased, built, hired, or taken on Lease for the Purposes of the Labour, Trade, or Handicraft of such Society, in all respects as hereby enacted with regard to any Building or Land for the holding the Meetings of any Friendly Society.

Committee of Management.

XVII. It shall be lawful for the Members of any Society under this Act or under the said repealed Acts or any of them, or for a Majority of such Members present at any Meeting of the Society called specially for that Purpose, to nominate and appoint a Committee of General Management, to whom they may delegate all or any of the

Powers

Powers of such Society relative to the Management thereof, or to the framing, amending, repealing, rescinding, or altering the Rules of such Society, or any of them.

As to the Appointment and Duties of Officers, and the Property of Societies, be it enacted,

Trustees, how appointed.

XVIII. Every Friendly Society established under this Act shall, at some Meeting of its Members, and by a Resolution of a Majority of the Members then present, nominate and appoint One or more Person or Persons to be Trustee or Trustees for the said Society and the like in the Case of any Vacancy in the said Office; and a Copy of the Resolution so appointing such Person or Persons to the Office of Trustee, and signed by such Trustee or Trustees and by the Secretary of the said Society, shall be sent to the Registrar, to be by him deposited with the Rules of the said Society in his Custody: Provided always, that where no Trustee shall have been appointed in any Society established under any One of the Acts hereby repealed, the Treasurer thereof, or other Person who has Custody of the Monies of such Society, shall be taken to be a Trustee, within the Meaning of this Act.

Property of the Society vested in them.

XIX. All Real and Personal Estate whatsoever belonging to any such Society established under this Act or any of the Acts hereby repealed shall be vested in such Trustee or Trustees for the Time being, for the Use and Benefit of such Society and the Members thereof, and the Real or Personal Estate of any Branch of a Society shall be vested in the Trustees of such Branch, and be *exclusively* under the Control of such Trustee or Trustees, their respective Executors or Administrators, according to their respective Claims and Interest, and upon the Death or Removal of any such Trustee or Trustees the same shall vest in the succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Conveyance or Assignment whatsoever, save and except in the Case of Stocks and Securities in the Public Funds of Great Britain and Ireland, which shall be transferred into the Name or Names of such new Trustee or Trustees; and in all Actions or Suits or Indictments, or Summary Proceedings before Magistrates, touching or concerning any such Property, the same shall be stated to be the Property of the Person or Persons for the Time being holding the said Office of Trustee, in his or their proper Name or Names, as Trustees of such Society, without any further Description.

Actions, &c. by or against them.

XX. The Trustee or Trustees *so appointed as aforesaid* of any such Society are hereby authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution in any Court of Law or Equity, touching or concerning the Property, Right, or Claim to Property of the Society for which he or they are such Trustee or Trustees as aforesaid; and such Trustee or Trustees shall and may, in all Cases concerning the Real or Personal Property of such Society, sue and be sued, plead and be impleaded, in any Court of Law or Equity, in his or their proper Name or Names, as Trustee or Trustees of such Society, without other Description; and no such Action, Suit, or Prosecution shall be discontinued or shall abate by the Death of such Person, or his Removal from the Office of Trustee, but the same shall and may be proceeded in by or against the succeeding Trustee or Trustees *in the proper Name of the Person commencing or defending the same;* as if such Death or Removal had not taken place; and such succeeding Trustee or Trustees shall pay or receive the like Costs as if the Action or Suit or Prosecution had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Society.

Limitation of his Responsibility.

XXI. Provided nevertheless, That no Trustee or Trustees of any such Society shall be liable to make good any Deficiency which may arise or happen in the Funds of such Society, but shall be liable only for the Monies which shall be actually received by him on account of such Society.

Treasurers, how appointed.

XXII. Every Friendly Society established under this Act shall, by its Rules or at some Meeting of the Society called specially for that Purpose, and by a Majority of the Members then present, appoint One or more fit and proper Person or Persons to be Treasurer or Treasurers of such Society, and afterwards, so often as the Office of Treasurer shall become vacant by Death or otherwise, they shall in like Manner appoint some fit and proper Person to the Office.

To give Security.

XXIII. The Treasurer of every such Society, and every Treasurer hereafter appointed in any Society established under any of the repealed Acts, or any other Officer who is required by the Rules to give Security, shall, before he take upon himself the Execution of his Office, become bound, with One sufficient Surety, in a Bond according to the Form set forth in the Third Schedule to this Act, or give the Security of a Guarantee Society established in London, in such penal Sum as the Society or the Committee of Management shall direct and appoint, conditioned for his just and faithful Execution of his said Office of Treasurer, and for rendering a just and true Account of all Monies received or paid by him on account

account of the said Society at such Times as the Rules of the said Society shall direct and appoint, and at such Times as he shall be required so to do by the Trustee or Trustees of the said Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at any Meeting of such Society; and every such Bond shall be given to the Trustee or Trustees of the said Society for the Time being; and if the same shall at any Time become forfeited, it shall be lawful for such Trustee or Trustees for the Time being to sue upon such Bond for the Use of such Society; and in Scotland such Bond shall have the same Force and Effect as a Bond there in use duly attested and completed, and containing a Clause of Registration for Execution as well as for Preservation in the Books of Council and Session and other Judges Books competent, and shall be registered in such Books accordingly, with a view to Diligence.

Treasurer to account.

XXIV. Every such Treasurer or other Officer, whether appointed before or after the passing of this Act, at such Times as by the Rules of such Society he should render such Account as aforesaid, or upon being required so to do by the Trustee or Trustees of such Society, or by a Majority of the said Committee of Management, or by a Majority of the Members present at a Meeting of the said Society as aforesaid, *shall* within Seven Days *thereafter* after such Requisition shall render to the Trustee or Trustees of the Society, or to the said Committee of Management, or to the Members of such Society at a Meeting of the Society, a just and true Account of all Monies received and paid by him since he last rendered the like Account, and of the Balance then remaining in his Hands, and of all Bonds or Securities of such Society, which Account the said Trustee or Trustees or Committee of Management shall cause to be audited by some fit and proper Person or Persons by them to be appointed; and such Treasurer, if thereunto required, upon the said Account being audited, shall forthwith hand over to the said Trustee or Trustees the Balance which on such Audit shall appear to be due from him, and shall also, if required, hand over to such Trustee or Trustees all Securities and Effects, Books, Papers, and Property of the said Society in his Hands or Custody; and if he fail to do so the Trustee or Trustees of the said Society may sue upon the Bond aforesaid, or may sue such Treasurer in the County Court of the District, or in any of the Superior Courts of Common Law, or in any other Court having Jurisdiction, for the Balance appearing to have been due from him upon the Account last rendered by him, and for all the Monies since received by him on account of the said Society, and for the Securities and Effects, Books, Papers, and Property in his Hands or Custody, leaving him to set off in such Action the Sums, if any, which he may have since paid on

account of the said Society; and in such Action the said Trustee or Trustees shall be entitled to recover their full Costs of Suit, to be taxed as between Attorney and Client.

Property how recovered, if the Officer die, or become bankrupt or insolvent.

XXV. If any Person already appointed or employed or hereafter to be appointed or employed to or in any Office in any Friendly Society established under this Act or under any of the Acts hereby repealed, whether such Appointment or Employment was before or after the legal Establishment of such Society, and having in his Hands or Possession, by virtue of his Office, any Monies or Property whatsoever of such Society, or any Deeds or Securities belonging to such Society, shall die, or become bankrupt or insolvent, or have any Execution or Attachment or other Process issued against him or any Part of his Property, or shall have any Action or Diligence raised against his Lands, Goods, Chattels, or Effects, or Property or other Estate, heritable or moveable, or shall make any Assignment, Disposition, Assignation, or other Conveyance for the Benefit of his Creditors, the Heirs, Executors, Administrators, or Assignees of every such Officer, and every other Person having or claiming Right to the Property of such Officer, and the Sheriff or other Person executing such Process, and the Party using such Action or Diligence respectively, shall, upon Demand in Writing made by the Treasurer or by the Trustee or any Two of the Trustees of such Society, or any Person appointed at some Meeting of the Society to make such Demand, deliver and pay over all such Monies, Property, Deeds, and Securities belonging to such Society to such Person as such Treasurer or Trustees shall appoint, and shall pay, out of the Estate, Assets, or Effects, heritable or moveable, of such Officer, all Sums of Money due which such Officer shall have received, before any other of his Debts are paid, and before any other Claims upon him shall be satisfied, and before the Money directed to be levied by such Process as aforesaid, or which may be recovered or recoverable under such Diligence, is paid over to the Party issuing such Process or using such Diligence; *and the Claims aforesaid of such Society shall be a primary Lien upon the Property of such Officer*, and all *his* such Assets, Lands, Goods, Chattels, Property, Estates, and Effects shall be bound to the Payment, Discharge, and Satisfaction of such Claims.

Punishment of Fraud in withholding Money, &c.

XXVI. If any Officer, Member, or other Person, being or representing himself to be a Member of such Society, or the Nominee, Executor, Administrator, or Assignee of a Member thereof, or any Person whatsoever, by false Representation or Imposition, shall obtain Possession of any Monies, Securities, Books, Papers, or other Effects of such Society, or having the same in his Possession shall *wrongfully* withhold

withhold or misapply the same, or shall wilfully apply any Part of the same to Purposes other than those expressed or directed in the Rules of such Society, or any Part thereof, it shall be lawful in England for any Justice of the Peace acting in the County or Borough in which the Place of Business of such Society shall be situated, upon Complaint made by any Person on behalf of such Society, to summon the Person against whom such Complaint is made to appear at a Time and Place to be named in such Summons; and any Two Justices present at the Time and Place mentioned in such Summons shall proceed to hear and determine the said Complaint, in manner directed by the Act passed in the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three; and in Scotland every such Offence may be prosecuted by summary Complaint at the Instance of the Procurator Fiscal of the County, or of the Society, with his Concurrence, before the Sheriff; and if the said Justices or Sheriffs respectively shall determine the said Complaint to be proved against such Person, they shall adjudge and order him to deliver up all such Monies, Securities, Books, Papers, or other Effects to the Society, or to repay the Amount of Money applied improperly, and to pay, if they think fit, a further Sum of Money not exceeding Twenty Pounds, together with Costs not exceeding Twenty Shillings; and, in default of such Delivery of Effects, or Repayment of such Amount of Money, or Payment of such Penalty and Costs aforesaid, the said Justices or Sheriffs may order the said Person so convicted to be imprisoned in the Common Gaol or House of Correction, with or without Hard Labour, for any Time not exceeding Three Months: Provided, that nothing herein contained shall prevent the said Society, or in Scotland Her Majesty's Advocate, from proceeding by Indictment against the said Party: Provided also, that no Person shall be proceeded against by Indictment if a Conviction shall have been previously obtained for the same Offence under the Provisions of this Act.

As to the Rules of Societies, be it enacted,

Rules to be made.

XXVII. Before any Friendly Society shall be established under this Act, the Persons intending to establish the same shall agree upon and frame a Set of Rules for the Regulation, Government, and Management of such Society; *and in such Rules they shall, amongst other things, make Provision for the altering, amending, and rescinding the said Rules or any of them, and for making new Rules, when it shall be deemed necessary, and for imposing reasonable Fines and Forfeitures on any Member of such Society who shall offend against the said Rules or any of them, and for appointing a General Committee of Management of such Society, and delegating to such Committee all or any of the Powers given by this Act to the Members*

of Friendly Societies formed or established under or by virtue of the same; and such Rules shall set forth,

1. The Name of the Society and Place of Meeting for the Business of the Society:
2. The whole of the Objects for which the Society is to be established, the Purposes for which the Funds thereof shall be applicable, and the Conditions under which any Member may become entitled to any Benefit assured thereby, and the Fines and Forfeitures to be imposed on any Member of such Society:
3. The Manner of making *Rules*, altering, amending, and rescinding *any* Rules:
4. A Provision for the Appointment and Removal of a General Committee of Management, of a Trustee or Trustees, Treasurer, and other Officers *to prepare Returns required by this Act:*
5. A Provision for the Investment of the Funds, and for an annual or periodical Audit of Accounts:
6. The Manner in which Disputes between the Society and any of its Members, or any Person claiming by or through any Member, or under the Rules, shall be settled:

And the Rules of every such Society shall provide that all Monies received or paid on account of each and every particular Fund or Benefit assured to the Members thereof, their Husbands, Wives, Children, *or Kindred*, Fathers, Mothers, Brothers or Sisters, Nephews or Nieces, for which a separate Table of Contributions payable shall have been adopted, shall be entered in a separate Account, distinct from the Monies received and paid on account of any other Benefit or Fund, and also that a Contribution shall be made to defray the necessary Expenses of Management, and a separate Account shall be kept *to defray the Expenses of Management* of such Contributions and Expenses.

Copies to be sent to the Registrar, and his Certificate obtained.

XXVIII. Two printed or written Copies of such Rules, signed by Three of the intended Members and the Secretary or other Officer, shall be transmitted to the Registrar aforesaid, and the said Registrar shall advise with the Secretary or other Officer, if required, for the Purpose of ascertaining whether the said Rules are calculated to carry into effect the Intentions and Object of the Persons who desire to form such Society, and if the Registrar shall find that such Rules are in conformity with Law and with the Provisions of this Act, he shall give a Certificate in the Form set forth in the Second Schedule to this Act, and shall return One of the said Copies to the said Society, and shall keep the other in such Manner as shall from Time to Time be directed by One of Her Majesty's Principal Secretaries

Secretaries of State, and for which Certificate no Fee shall be payable to the said Registrar; and all Rules, when so certified as aforesaid, shall be binding on the several Members of the said Society: Provided always, that it shall not be lawful for the said Registrar to grant any such Certificate to a Society assuring to any Member thereof a certain Annuity or certain Superannuation, deferred or immediate, unless the Tables of Contributions payable for such kind of Assurance shall have been certified under the Hand of the Actuary to the Commissioners for Reduction of the National Debt, or by an Actuary of some Life Assurance Company established in London, Edinburgh, or Dublin, who shall have exercised the Profession of Actuary for at least Five Years, and such Certificate be transmitted to the Registrar, together with the Copies of the Rules aforesaid.

Actuary's Certificate to be sent with the Copies in case of Tables of Annuities.

XXIX. After the Rules of a Friendly Society shall have been so certified by the Registrar as aforesaid, it shall be lawful for such Society, by Resolution at a Meeting specially called for that Purpose, to alter, amend, or rescind the same or any of them, or to make new Rules; and it shall be lawful for any Friendly Society formed and established under any of the Acts hereby repealed to alter, amend, or rescind the Rules by which their Society is governed, regulated, or managed, or to make new Rules: Provided always, that Two *printed or written* Copies of the proposed Alterations or Amendments, and of such new Rules, signed by Three Members of such Society, and the Secretary or other Officer, shall be transmitted to the said Registrar, to One of which shall be attached a Declaration by the Secretary or One of the Officers of such Society, that in making the same the Rules of such Society respecting the making, altering, amending, and rescinding Rules, or the Directions of the Act under which such Society was established, have been duly complied with; and if the said Registrar shall find that such Alterations, Amendments, or new Rules are in conformity with Law, he shall give to the Society a Certificate in the Form set forth in the Schedule to this Act, and return One of the Copies to the Society, and shall keep the other, with the Rules of such Society, in his Custody, and for which Certificate no Fee shall be payable to the said Registrar, and as against such Member *and* or Person such Certificate shall be conclusive of the Validity thereof; and all Rules, Alterations, and Amendments, when so certified as aforesaid, shall be binding on the several Members of the said Society, and all Persons claiming *under them* on account of a Member or under the said Rules; but unless and until the same shall be so certified as aforesaid such Rules, Alterations, and Amendments shall have no Force or Validity whatsoever.

Rules may be altered, amended, rescinded, or new Rules made.

When Place of Meeting is altered, Notice to be sent to Registrar.

XXX. Whenever any Friendly Society established under this Act or under any of the Acts hereby repealed shall change its Place of Business, *written* Notice of such Change, under the Hands of Two of the Trustees or Three Members and Secretary or other Officer, shall, within Fourteen Days thereafter, be sent to the said Registrar.

Circulating false Copies of Rules, &c. a Misdemeanor.

XXXI. If any Person shall give to any Member of a Friendly Society established under this Act or under any of the said repealed Acts, or to any Person intending or applying to become a Member of such Society, a Copy of any Rules, or of any Alterations or Amendments of the same, other than those respectively which have been enrolled with any Clerk of the Peace or certified by the Registrar, with a Copy of his Certificate appended thereto, under colour that the same are binding upon the Members of such Society, or shall make any Alterations in or Addition to any of the Rules or Tables of such Society after they shall have been respectively enrolled or certified by the Registrar, and shall circulate the same, purporting that they have been duly enrolled or certified under this or any of the said repealed Acts, when *in fact* they have not been so duly enrolled or certified, every Person so offending shall be deemed guilty of a Misdemeanor.

Rules, how received in Evidence.

XXXII. All Rules and Tables of any Society established under this Act or any of the said repealed Acts, and all Alterations and Amendments thereof, and all Copies thereof or Extracts therefrom, and all Writings and Documents relating to a Friendly Society, and purporting to be signed by the Registrar, shall, in the Absence of any Evidence to the contrary, be received in all Courts of Law and Equity, and elsewhere, without Proof of the Signature thereto.

And as to Payments by Societies on Death of a Member, be it enacted,

On Death of Member, Sum under 50*l.* may be paid without Administration.

XXXIII. When, on the Death of any Member of a Society established under this Act or any of the said repealed Acts, a Sum of Money not exceeding Fifty Pounds shall become payable, the same shall be paid by the Trustees of such Society to the Person directed by the Rules thereof, or nominated by the Deceased, in Writing deposited with the Secretary (such Person being the Husband, Wife, Father, Mother, Child, Brother or Sister, Nephew or Niece of such Member); and in case there shall be no such Direction or Nomination, or the Person so nominated shall have died before the deceased Member, or in case the Member shall have revoked

revoked such Nomination, then such Sum shall be paid to the Person who shall appear to the said Trustees to be entitled under the Statute of Distributions to receive the same, without taking out Letters of Administration in England or Ireland, and without Confirmation in Scotland: Provided, that wherever the Trustee or Trustees of any such Society, after the Decease of any Member thereof, shall have paid and divided any such Sum of Money to or amongst any Person or Persons who shall at the Time of such Payment appear to such Trustee or Trustees to be entitled to the Effects of any deceased Member who has died intestate, without having appointed a Nominee to succeed him, the Payment of any such Sum shall be valid and effectual with respect to any Demand from any other Person or Persons as next of Kin of such deceased Member, or as the lawful Representative or Representatives of such Member, against the Funds of such Society or against the Trustees thereof; but nevertheless such next of Kin or Representative shall have his or her lawful Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Indemnity to Trustees.

And as to the Investment of the Property of Societies, be it enacted,

XXXIV. The Trustee or Trustees of every Friendly Society established under this Act or any of the said repealed Acts *may* shall from Time to Time, with the Consent of the Committee of Management of such Society, or of a Majority of the Members of such Society present at a General or Special Meeting thereof, or in accordance with the Rules of such Society, invest the Funds of such Society, or any Part thereof, to any Amount, in any Savings Bank, or in the Public Funds, or with the Commissioners for the Reduction of the National Debt, as herein-after mentioned, or in such other Security as the Rule of such Society may direct, not being the Purchase of House or Land (save and except the Purchase of Buildings wherein to hold the Meetings or transact the Business of such Society, as herein-before mentioned,) and not being the Purchase of Shares in any Joint Stock Company or other Company, with or without Charter of Incorporation, and not being personal Security, except in the Case of a Member of One full Year's standing at least, and in respect of a Sum not exceeding One Half the Amount of his Assurance on Life, such Member providing the written Security of himself and Two satisfactory Sureties for Repayment, and in case of such Member's Death before Repayment the Amount of such Advance, with Interest, may be deducted from the Sum so assured, without prejudice in the meantime to the Operation of such Security.

Funds, how invested.

XXXV. Every Friendly Society established under this Act which does not assure the Payment in any Event of a Sum exceeding

Funds may be invested with the

Commissioners of the National Debt.

Two hundred Pounds, or an Annuity exceeding Thirty Pounds per Annum, may pay any Sum of Money not less than Fifty Pounds into the Bank of England or Ireland, to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Trustee or of the Trustees, or any Two or more of them, that such Monies belong exclusively to the said Society; and the Cashier of the Bank of England is hereby required to receive all such Monies, and to place the same to the Account raised in the Name of the said Commissioners in the Book of the Bank, named "The Fund for Friendly Societies;" and if such Declaration shall not be true, then and in every such Case the Sum of Money so paid in on such Declaration shall be forfeited to the said Commissioners, and shall be applied by them in the Manner directed by any Act or Acts for the Time being in force relating to Savings Banks with respect to the Account of such Banks; and the Regulation of Receipts, Certificates, or Orders concerning Saving Banks shall be deemed applicable to Monies paid in as aforesaid under the Authority of this Act, as if the same had been herein repeated; and every such Society, on paying Money directly into the Bank as aforesaid, shall be entitled to receive Receipts bearing Interest at the Rate of Twopence per Centum per Diem: Provided, that every Society which shall deposit any Part of its Funds in any Savings Bank, or with the Commissioners for Reduction of the National Debt, shall furnish to the said Commissioners from Time to Time such Accounts as they may require in reference to the Funds so deposited.

What Interest old Societies shall have.

XXXVI. Every Society already established under any of the Acts hereby repealed, which shall have heretofore invested any Part of its Funds with the Commissioners for the Reduction of the National Debt, shall be entitled to pay into the Bank of England or Ireland, in Sums of not less than Fifty Pounds, Money received from Members on account of Assurances made before the passing of this Act, and to receive Receipts for the same bearing Interest at such Rate or Rates as such Society has hitherto been entitled to receive on account of such Assurances; that is to say, for Money invested with the Commissioners by any Society legally established before the Twenty-eighth Day of July in the Year One thousand eight hundred and twenty-eight, on account of any Assurance made before the Fifteenth Day of August in the Year One thousand eight hundred and fifty, Threepence per Centum per Diem; and on account of any Assurance effected after that Day, Twopence per Centum per Diem; and for Money invested with the Commissioners by any Society established between the Twenty-eighth Day of July in the Year One thousand eight hundred and twenty-eight and the Fifteenth Day of August in the Year One thousand eight hundred and fifty, on account

of

of Assurances made before the Fifteenth Day of August in the Year One thousand eight hundred and fifty, Twopence Halfpenny per Centum per Diem; and on account of any Assurance effected after that Day, Twopence per Centum per Diem; and for Money invested with the Commissioners by any Society established since the Fifteenth Day of July One thousand eight hundred and fifty, the Sum of Twopence per Centum per Diem: Provided that the Trustees of every Society which shall have invested or shall invest any Part of its Funds with the said Commissioners shall furnish from Time to Time such Accounts and Returns as the said Commissioners shall require, and shall satisfy the said Commissioners that they are legally entitled to receive such Interest as aforesaid, and to make such further Investment.

Re-depositing of Money withdrawn.

XXXVII. Where any Friendly Society shall withdraw Money invested by them with the Commissioners for the Reduction of the National Debt, such Society shall not be entitled *to re-deposit the same* make any further Deposit with the said Commissioners without the Consent of the said Commissioners, or of the Comptroller General or Assistant Comptroller under them.

Transfer of Stock.

XXXVIII. Whenever it shall happen that any Person, being or having been a Trustee of any Society established under this Act or any Act hereby repealed, and whether he shall have been appointed before or after the legal Establishment thereof, in whose Name any Part of the several Stocks, Annuities, and Funds belonging to any such Society, transferable at the Bank of England or Ireland, or in the Books of the Governor and Company of the Bank of England or Ireland, or in any Savings Bank, is or shall be standing, *as a Trustee for any Society established under this Act or any Act hereby repealed*, shall be out of England, or Ireland, or Scotland, respectively, or shall have been removed from his Office of Trustee, or shall be a Bankrupt, Insolvent, or Lunatic, or it shall be unknown whether such Trustee is living or dead, it shall be lawful for the Registrar, *upon Proof thereof, and* after receiving an Application in Writing from the Secretary of the Society and Three Members thereof, and upon Proof satisfactory to such Registrar, to direct the Accountant General or other proper Officer for the Time being of the said Governor and Company of the Bank of England, or Ireland, or of any Savings Bank, to transfer in the Books of the said Company or of the said Savings Bank such Stocks, Annuities, or Funds, standing as aforesaid, into the Name of the Trustee who shall be newly appointed, and to pay to him from Time to Time the Dividends thereof; and if One of Two or more such Trustees shall die, or be removed from his Office of Trustee, or become bankrupt or insolvent, it shall be lawful for the Registrar,

on the like Application, to direct that the other or others of the Trustees shall transfer such Stock, Annuities, or Funds into the Name of such Person as may have been appointed in his Stead, jointly with the continuing Trustee or Trustees.

And as to the Exemption of Societies from Stamp Duties, be it enacted,

Power of Attorney, &c. not liable to Stamp Duty.

XXXIX. No Copy of Rules, nor Power, Warrant, or Letter of Attorney granted by any Person as Trustee of any Society established under this Act or any of the Acts hereby repealed, for the Transfer of any Share in the Public Funds standing in the Name of such Trustee, nor any Order or Receipt for Money contributed to or received from the Funds of any such Society, by any Person liable or entitled to pay or receive the same by virtue of the Rules thereof or of this Act, nor any Bond to be given to or on account of any such Society, or by the Treasurer or any Officer thereof, nor any Draft or Order, nor any Form of Policy, nor any Appointment of any Agent, nor any Certificate or other Instrument for the Revocation of any such Appointment, nor any other Document whatever required or authorized by or in pursuance of this Act or the Rules of any Society, shall be liable to Stamp Duty: Provided, that no Exemption from any of the Duties granted by any Act or Acts relating to Stamp Duties shall be deemed to extend to any Society which shall assure the Payment of Money exceeding Two hundred Pounds, or which shall assure the Payment of any Money on the Death of a Member to any Person, except Executors, Administrators, or Assigns of such Member, or *Persons recited in the Thirty-third Section of this Act, and nominated as therein mentioned: Provided also, that no Exemption from Stamp Duties granted by this or any other Acts of Parliament relating to Friendly Societies, and declared to be applicable to the Purposes of any Building Society by an Act passed in the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter Thirty-two, shall extend to any Form of Assurance, Conveyance, Mortgage, Transfer, Agreement, Bond, or other Instrument made after the passing of this Act to or on behalf of any Benefit Building Society by any Member of such Society to whom any Sum or Sums exceeding in the whole the Sum of Two hundred and forty Pounds shall be advanced by such Society, except such Deeds or Instruments as may be made on behalf of a Member of such Society admitted before the passing of this Act, in pursuance of Engagements made between such Member and the said Society before that Date,* the Husband, Wife, Father, Mother, Child, Brother, Sister, Nephew, or Niece of such Member.

Limitation of Exemptions to Societies not assuring above 200*l.*

XL. If

No Member to receive more than 200*l.* or 30*l.* a Year from any Number of Societies.

XL. If any Person shall become a Member of more than One Society, whereby certain Benefits shall accrue on account of the same Kind of Assurance from more than One Society, it shall not be lawful for him, or for any Person entitled through or under him or by reason of his Membership, or for any Number of such Persons in the aggregate, to receive more than Two hundred Pounds, or, in the Case of Annuities, *Fifty* Thirty Pounds a Year, from such Societies collectively; and in any Case where a Person shall so as aforesaid be a Member of more than One Society, and he, or any other Person or Persons, shall be entitled to any Benefit in gross or by way of Annuity from any such Society, he, or (as the Circumstances may require) every such other Person, shall, before he shall receive any such Benefit from any of such Societies, make and sign a Declaration that the total Value of all Benefits accruing or which shall have accrued in respect of any One Kind of Assurance does not exceed the Value of Two hundred Pounds, or, in the Case of Annuities, *Fifty* Thirty Pounds a Year; and it shall be lawful for any Society to require any Member or any other Person who shall be entitled to any such Benefit, before he shall receive the same, to make and sign a Declaration to the same Effect, or that such Member was not, when the Benefit accrued, a Member of any other Association; and if any Person shall knowingly make any false or fraudulent Declaration in any such Case he shall be guilty of Misdemeanor.

Trustees may subscribe to a Hospital or Provident Institution.

XLI. The Trustees of *such* any Friendly Society may, out of the Funds thereof, subscribe to any Hospital, Infirmary, Charitable or other Provident Institution, such annual or other Sum as may be agreed upon by the Committee of Management, or by a Majority of the Members at a Meeting called for that Purpose, in consideration of any Member of such Society, his Wife, Child, or *Relative*, other Person nominated, being eligible to receive the Benefits of such Hospital or other Institution, according to the Rules thereof.

As to the Determination of Disputes between Friendly Societies and their Members and others, be it enacted:

As to the Determination of Disputes according to the Rules.

XLII. Every Dispute between any Member or Members of any Society established under this Act or any of the Acts hereby repealed, or any Person claiming through or under a Member, or under the Rules of such Society, and the Trustee, Treasurer, or other Officer, or the Committee thereof, shall be decided in manner directed by the Rules of such Society, and the Decision so made shall be binding and conclusive on all Parties, without Appeal: *and if either of the said Parties shall refuse or neglect to comply with or conform to the Decision, or if no Decision shall be made within*

Seven Days after the next Quarterly Meeting of the Society after Complaint made to the Secretary of the Society, or if the Rules shall direct Disputes to be settled by Justices, then in any of the said Cases any Two Justices of the Peace of the County, Riding, or Borough in which the usual or principal Place of Business of the Society shall be situate may enforce such Decision, or hear and determine such Dispute, as the Case may be, and make an Order thereupon for Payment of Money, if they shall think fit, and shall have the same Powers to enforce such Order as is herein-before enacted for the Punishment of Fraud: Provided that where the Rules of any Society established under any of the Acts hereby repealed shall have directed Disputes to be referred to Justices, such Disputes shall, from and after the First Day of August One thousand eight hundred and fifty-five, be referred to and decided by the County Court as herein-after mentioned.

In what Cases by the County Court.

XLIII. In all Friendly Societies established under this Act or any of the said repealed Acts, all Applications for the Removal of any Trustee, or for any other Relief, Order, or Direction, or for the Settlement of Disputes that may arise or may have arisen in any Society the Rules of which do not prescribe any other Mode of settling such Disputes, or to enforce the Decision of any Arbitrators, or to hear or determine any Dispute, if no Arbitrator shall have been appointed or if no Decision shall be made by the said Arbitrators within Forty Days after Application has been made by the Member or Person claiming through or under a Member or under the Rules of the Society, shall be made to the County Court of the District within which the usual or principal Place of Business of the Society shall be situate; and such Court shall, upon the Application of any Person interested in the Matter, entertain such Application, and give such Relief, and make such Orders and Directions in relation to the Matter of such Application, as herein-after mentioned, or as may now be given or made by the Court of Chancery in respect either of its ordinary or its special or statutory Jurisdiction; and the Decision of such County Court upon and in relation to such Application as aforesaid shall not be subject to any Appeal: Provided always, that in Scotland the Sheriff within his County, and in Ireland the Assistant Barrister within his District, shall have the same Jurisdiction as is hereby given to the Judge of a County Court.

Order of County Court, how enforced.

XLIV. In all Cases where the Order of such County Court shall be for the Payment of Money, the same may be enforced in the same Manner as the ordinary Judgments of such Court are enforced; but where the Order of the said Court shall be for the doing of some Act, not being for the Payment of Money, it shall be lawful for the Judge of

of such County Court in his said Order to order the Party to do such Act, or that in default of his doing it he shall pay a certain Sum of Money; and in case he refuse or neglect to do the Act required, upon Demand in that Behalf, the Sum of Money or Penalty in the said Order may then be recovered in the same Manner as a Judgment for Debt or Damages in such Court; and it shall not be lawful to remove the same by Certiorari or other Writ or Process to any Superior Court of Record.

Lord Chancellor may make Orders for regulating the Proceedings in this respect.

XLV. Provided, however, That the Lord Chancellor may make such Orders for regulating the Proceedings by and before the Judges of County Courts under this Act as he may think fit; and in Scotland the Court of Session shall have the like Power by Act of Sederunt as regards Proceedings before Sheriffs under this Act; and, subject to such Orders and Acts of Sederunt respectively, such Judges and Sheriffs may regulate the Proceedings before them respectively so as to render them as summary and inexpensive as conveniently may be.

In the Case of Societies whose Rules are not certified, Disputes between the Society and its own Members to be settled as in Cases of certified Societies.

XLVI. In the Case of any Friendly Society established for any of the Purposes mentioned in *Clause* Section IX. of this Act, or for any Purpose which is not illegal, having written or printed Rules, whose Rules have not been certified by the Registrar, provided a Copy of such Rules shall have been deposited with the Registrar, every Dispute between any Member or Members of such Society, and the Trustees, Treasurer, or other Officer, or the Committee of such Society, shall be decided in manner herein-before provided with respect to Disputes, and the Decision thereof, in the Case of Societies to be established under this Act, and the *Clauses* Sections in this Act provided for such Decision, and also the *Clause* Section in this Act which enacts a Punishment in case of Fraud or Imposition by an Officer, Member, or Person, shall be applicable to such uncertified Societies: Provided always, that nothing herein contained shall be construed to confer on any such Society whose Rules shall not have been certified by the Registrar, or any of the Members or Officers of such Society, any of the Powers, Exemptions, or Facilities of this Act, save and except as in and by this Section is expressly provided.

As to Returns to be made by Societies, be it enacted,

Returns to the Registrar, when and how to be made.

XLVII. The Trustees of Friendly Societies established under this Act or under any of the repealed Acts, or the Officer thereof appointed to prepare Returns, shall, once in every Year, in the Months of January, February, or March, transmit to the Registrar a General Statement of the Funds and Effects of such Society during the past Twelve Months, or a Copy of the last annual

Report of such Society, and shall also, within Three Months after the Expiration of the Month of December One thousand eight hundred and fifty-five, and so again within Three Months after the Expiration of every Five Years succeeding, transmit to the said Registrar a Return of the Rate or Amount of Sickness and Mortality experienced by such Society within the preceding Five Years, in such Form as shall be prepared by the said Registrar, and an Abstract of the same shall be laid before Parliament; and the Registrar shall also lay before Parliament every Year a Report of his Proceedings, in his Office of Registrar, and of the principal Matters transacted by Friendly Societies which have come under his Cognizance during the past Year.

Certain Societies established for granting annual Payments to Nominees before the Year 1850 to have Privileges of this Act.

XLVIII. And whereas under the Provisions of the Acts hereby repealed, or some of them, certain Associations or Societies have been formed in England and Ireland for the provident and charitable Purpose of securing annual Payments to the Nominees of the Members thereof, contingent upon the Death of such Members, and have invested their Funds in the Manner provided by such Acts, and Doubts may arise whether such Associations or Societies will be entitled to the Exemptions and Privileges by this Act conferred in the event of such annual Payments amounting in the aggregate to more than *Fifty* Thirty Pounds; and it is expedient to remove such Doubts, and to give Protection to such Associations or Societies, and to the Funds thereof: Be it therefore enacted, That notwithstanding anything in this Act contained to the contrary, all such Associations or Societies as were founded and subsisting under the Provisions of the said Acts previously to the Fifteenth Day of August One thousand eight hundred and fifty, shall enjoy the Exemptions and Privileges by this Act conferred on Societies to be established under the Provisions of this Act as fully as if they had been registered and certified under this Act, and notwithstanding that the contingent annual Payments to which the Nominees of the present or future Members of such Associations or Societies may become entitled shall exceed in the aggregate the Sum of *Fifty* Thirty Pounds.

Extra Contribution may be demanded of a Member serving in the Militia.

XLIX. In any Case where the Rules of any Society already enrolled or certified have provided that a Member shall be deprived of any Benefit by reason of his Enrolment or Service in the Militia, it shall be lawful for the Trustees of such Society to require of any Member a Contribution exceeding the Rate of Contribution hitherto payable by such Member, to an Amount not exceeding One Tenth of such Rate, during the Time such Member shall be serving out of the United Kingdom, or to suspend all Claim of such Member to any Benefits of such Society, and all Claim of the Society to any Contributions payable by such Member, during the Time he may be serving

serving in the Militia out of the United Kingdom, provided that such Suspension shall cease so soon as the said Member shall return to the United Kingdom, and he shall thereupon be replaced on the same Footing as before he went abroad with the Regiment to which he belongs.

Act to apply to Societies constituted under the Industrial and Provident Societies Act, 1852.

L. All the Provisions of this Act shall apply to all Societies constituted under the Industrial and Provident Societies Act, 1852, in the same Manner as the Laws in force relating to Friendly Societies at the Date of the passing of the said Industrial and Provident Societies Act, 1852, are by the said last-mentioned Act directed to apply to Societies constituted thereunder; and the Limitation *thereinafter* herein-before contained of the Amount of Annuities and Sums payable on the Death of any Person, or on any other Contingency, in the Case of Societies established under this Act, shall apply to all Societies constituted under the said Industrial and Provident Societies Act, 1852.

Interpretation Clause.

LI. The following Words herein-after named are herein used and applied in the Manner following respectively; namely, the Words "Justice of the Peace" shall mean a Justice of the Peace for the County, Riding, Division, Borough, City, Liberty, or Place in which the Place of Meeting of the Society shall be situate according to the Rules, or the County, Riding, Division, Borough, City, Liberty, or Place adjacent thereto, or in which the Offender shall reside; the Word "Registrar" shall mean the Registrar of Friendly Societies in England, Scotland, or Ireland, as the Case may be; the Word "County Court" shall mean every County Court holden or established, or to be holden or established, under the Act of the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, or any Act or Acts passed or to be passed for the Alteration or Extension of the same Act, and every Judge of any such Court; and that the Word "Society" shall extend to and include every Branch of a Society, by whatever Name it may be designated; *and the Words "Committee of Management" shall mean the Body of Persons appointed to manage and direct the Affairs of the Society, by whatever Name such Body may be called; and the Word "Secretary" shall mean the Clerk or Person who keeps the Accounts of the Society.*

Extension of Act.

LII. This Act shall extend to Great Britain, and Ireland, and the Channel Isles and the Isle of Man, *and Berwick-upon-Tweed, and the Isles of Jersey, Guernsey, Alderney, Sark, and Man.*

This Act shall commence and take effect from the First Day of August One thousand eight hundred and fifty-five.

SCHEDULE SCHEDULES referred to by the foregoing Act.

FIRST SCHEDULE.

Reference to Act.	Title of Act.	Extent of Repeal.
33 Geo. 3. c. 54. - -	An Act for the Encouragement and Relief of Friendly Societies.	The whole Act.
35 Geo. 3. c. 111. -	An Act for more effectually carrying into execution an Act made in the Thirty-third Year of the Reign of His present Majesty, intituled "An Act for the Encou- "ragement and Relief of "Friendly Societies," and for extending so much of the Powers thereof as relates to the framing Rules and Regulations for the better Management of the Funds of such Societies, and the Appointment of Treasurers to other Institutions of a charitable Nature.	The whole Act.
36 Geo. 3. c. 68. (Irish)	An Act for the Encouragement and Relief of Friendly Societies.	The whole Act.
43 Geo. 3. c. 111. -	An Act for enabling Friendly Societies intended to be established under an Act passed in the Thirty-third Year of the Reign of His present Majesty to rectify Mistakes made in the Registry of their Rules.	The whole Act.
49 Geo. 3. c. 58. - -	An Act to explain and render more effectual an Act passed in the Parliament of Ireland, in the Thirty-sixth Year of His present Majesty's Reign, for the Encouragement and Relief of Friendly Societies.	The whole Act.
49 Geo. 3. c. 125. -	An Act to amend an Act made in the Thirty-third Year of His present Majesty for the Encouragement and Relief of Friendly Societies.	The whole Act.
59 Geo. 3. c. 128. -	An Act for further Protection and Encouragement of Friendly Societies, and for preventing Frauds and Abuses therein.	The whole Act.

Reference to Act.	Title of Act.	Extent of Repeal.
6 Geo. 4. c. 74. - -	An Act for consolidating and amending the Laws relating to Conveyances and Transfers of Estates and Funds vested in Trustees who are Infants, Idiots, Lunatics, or Trustees of unsound Mind, or who cannot be compelled or refuse to act; and also the Laws relating to Stocks and Securities belonging to Infants, Idiots, Lunatics, and Persons of unsound Mind.	So much of Section 11 as relates to Friendly Societies.
10 Geo. 4. c. 56. - -	An Act to consolidate and amend the Laws relating to Friendly Societies.	The whole Act.
2 W. 4. c. 37. - -	An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, by extending the Time within which pre-existing Societies must conform to the Provisions of that Act.	The whole Act.
4 & 5 W. 4. c. 40. -	An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies.	The whole Act.
3 & 4 Vict. c. 73. -	An Act to explain and amend the Acts relating to Friendly Societies.	The whole Act.
9 & 10 Vict. c. 27. -	An Act to amend the Laws relating to Friendly Societies.	The whole Act.
13 & 14 Vict. c. 115. -	An Act to consolidate and amend the Laws relating to Friendly Societies.	The whole Act.
15 & 16 Vict. c. 65. -	An Act to continue and amend an Act passed in the Fourteenth Year of the Reign of Her present Majesty, to consolidate and amend the Laws relating to Friendly Societies.	The whole Act.
16 & 17 Vict. c. 123. -	An Act to amend the Laws relating to the Investments of Friendly Societies.	The whole Act.
17 & 18 Vict. c. 50. -	An Act to continue an Act of the Twelfth Year of Her present Majesty, for amending the Laws relating to Savings Banks in Ireland, and to authorize Friendly Societies to invest the whole of their Funds in Savings Banks.	Section 2.
17 & 18 Vict. c. 101. -	An Act to continue and amend the Acts now in force relating to Friendly Societies.	The whole Act.

SECOND SCHEDULE.

FORM of REGISTRAR'S CERTIFICATE to RULES of FRIENDLY SOCIETIES.

I HEREBY certify, That the foregoing Rules (or the Alterations or Amendments of the Rules) of the Society at in the County of are in conformity with Law, and in the Case of a new Society, and that the Society is duly established from the present Date, and is subject to the Provisions and entitled to the Privileges of the Acts relating to Friendly Societies.

The *Members of the Society must be responsible to each other for the Accuracy, Sufficiency, and Expediency of the Rules and Tables adopted by them. The Registrar hereby certifies only that the Rules are in accordance with the Law.* Rates of Contributions and Payments are stated to have been prepared by A.B., Actuary of or (as the Case may be) are not stated to have been prepared by any Actuary.

Form of Certificate of Medical Practitioner.

I hereby certify, That aged Years, late of died on the Day of and that I consider the probable Cause of his or her Death to have been .

(Signed) Profession.
Residence.

Day of .

THIRD SCHEDULE.

FORM of BOND.

KNOW all Men by these Presents, That we, A.B. of Treasurer [*or Steward, &c.*] &c. (as the Case may be) of the Society, established at in the County of and C.D. of (as Surety on behalf of the said A.B.) are jointly and severally held and firmly bound to A.B. of C.D. of and E.F. of the Trustees of the said Society, in the Sum of to be paid to the said A.B., C.D., and E.F. as such Trustees, or their Successors, Trustees for the Time being, or their certain Attorney, for which Payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each

each of our Heirs, Executors, and Administrators, firmly by these Presents, sealed with our Seals. Dated the Day of in the Year of our Lord .

Whereas the above-bounden A.B. hath been duly appointed Treasurer [*or Steward, &c.*] &c. (as the Case may be) of the Society, established as aforesaid, and he, together with the above-bounden C.D. as his Surety, have entered into the above-written Bond, subject to the Condition herein-after contained: Now therefore the Condition of the above-written Bond is such, that if the said A.B. shall and do justly and faithfully execute his Office of Treasurer [*or Steward, &c.*] &c. (as the Case may be) of the said Society established as aforesaid, and shall and do render a just and true Account of all Monies received and paid by him, and shall and do pay over all the Monies remaining in his Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property of or belonging to the said Society in his Hands or Custody, such Person or Persons as the said Society shall appoint, according to the Rules of the said Society, together with the proper or legal Receipts or Vouchers for such Payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his Office of Treasurer [*or Steward, &c.*] &c. (as the Case may be) to the said Society, according to the Rules thereof, then the above-written Bond shall be void and of no Effect; otherwise shall be and remain in full force and virtue.

A

BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act to consolidate and amend the Law relating to Friendly Societies.

Ordered, by The House of Commons, *to be Printed*, 9 *July* 1855.

[Bill 235.]

Under 5 oz.